Journal of the Society of Arts.

FRIDAY, JULY 16, 1869.

Announcements by the Council.

COUNCIL MEETING.

At the meeting of the Council on Monday, the 5th inst., Lord Henry G. Lennox, M.P., was unanimously re-elected Chairman of the Council for the ensuing year.

DESIGNS FOR CHANNEL STEAMERS.

The very defective state of the accommodation afforded by the Channel steamers, plying between this country and the Continent, having been brought under the notice of the Council, they have determined to offer the Gold Medal of the Society, and the large Silver Medal of the Society, for the best and the second-best block model of a steamer, which shall afford the most convenient shelter and accommodation to passengers on the deck of the vessel crossing the Channel between France and England. The steamer is not to exceed in tonnage and draught the best vessels now in use between Folkestone and Boulogne, and the model must be on a scale of a quarter of an inch to a foot. The models, marked in cypher, are to be sent in to the Society of Arts' House, John-street, Adelphi, on or before the 1st November, 1869, with a sealed envelope, giving the name and address of the designer.

The Council reserve the right of withholding either or both medals, in case, in their opinion, the models sent in do not possess sufficient merit.

The following particulars of the South-Eastern Channel steamers, *Victoria*, *Albert Edward*, and *Alexandra*, are given for the convenience of competitors, but it is not intended to confine the designs to them, except as to tonnage and draught:—

Length between perpendiculars, 200 ft.
Breadth of beam, 24 ft.
Depth underside of deck amidships, 12 ft. 6 in.
Draught of water, 7 ft.
Bow, clipper.
Stern, elliptic.
Rig, polacca with two masts, lug foresail, gaff mainsail, staysail, and flying jib.
Engines, oscillating.
Paddle wheels, 17 ft. 6 in. diameter.
Tonnage, 568 tons.
Speed, 17 miles an hour.

SUBSCRIPTIONS.

The Midsummer subscriptions are due, and should be forwarded by cheque or Post-office order, crossed "Coutts and Co.," and made payable to Mr. Samuel Thomas Davenport, Financial Officer.

Proceedings of the Society.

INDIA COMMITTEE.

DEPUTATION TO THE SECRETARY OF STATE FOR INDIA.

At a meeting of the Committee, held June 17th, the following resolutions were passed:—

"That the Council of the Society move the Indian Government to offer a money premium for the best manual on "Tea Cultivation," affording the greatest information to the intending planter.

"That the Council of the Society move the government of India to take steps for providing, by means of a Department of Agriculture or otherwise, for the diffusion of information and for the encouragement of productions, after the manner of France and other countries. The subjects to which such recommendation would more particularly apply are:—Information regarding waste lands and the opportunities for acquiring or renting them; the various methods of agriculture which are or might be adopted in India; agricultural results and statistics; the use of manures; the cultivation of tea, coffee, cotton, silk, wool, and the other staples.

"That a deputation wait on the Secretary of State for India, with a view to urging such recommendation."

His Grace the Duke of Argyll received the deputation from the Council and India Committee on Tuesday, the 13th inst., at three o'clock. The deputation was introduced by Mr. Thomas Bazley, M.P., and consisted of Sir Charles Wingfield, M.P., Major-General Clarke, Colonel Haly, Captain Thackeray, Dr. Archibald Campbell, Messrs. Edwin Chadwick, C.B., Briggs, Hyde Clarke, J. Cheetham, jun., Maxwell Turnbull, Frederick Hendriks, W. S. Thompson, Andrew Cassels, J. Meppen, and Thomas Login, C.E., with the Secretary and Assistant-Secretary of the Society.

MR. THOMAS BAZLEY, M.P., in introducing the deputation, remarked that it was no new-born zeal which had actuated the Society of Arts in this matter, the Society having for many years been desirous of improving the general condition of British India, which it conceived could best be done by developing its agricultural resources. His Grace being so fully aware of the necessities of India, it was not necessary to trouble him with a detailed repetition of them, but he might refer to the matter of seed cotton, as being one of great importance. Any system by which sound, good seed could be furnished to provinces where it was known to be defective, could not fail to be of great advantage, particularly as his own examination of Indian seed this year proved to him that a great deal of it was shrivelled and feeble, showing great want of vitality. He did not think one-tenth of what had come under his own observation was really sound, good seed. This was seed sent to England for mercantile purposes. The great cause of bad seed he believed to be lack of nutriment in the soil for the proper growth of the plant, which probably might be remedied by the use of suitable manures. He was not there simply to advocate the encouragement of cotton-growing in India, but also of sugar, tea, coffee, flax, grain, and other things, which might be produced with great advantage both to the cultivators in that country, and to manufacturers in England. He could not, however, forbear mentioning

the lamentable news received this week of the comparative failure of the cotton crop in India.

The Duke of ARGYLL inquired what part of India the report referred to.

Mr. BAZLEY said he had only received information by telegraph, and the locality was not mentioned. He should state that Lancashire still remained in a state of great distress, capital was continually diminishing, and the working-classes were still suffering great privations with a wonderful degree of patience. Nothing could remedy this state of things but an increased supply of the raw material. American cotton was now 12¾d. per lb., and good Indian 10½d. to 11d., which was nearly double the ordinary price before the American war. He was glad to find that the ryots were now beginning to reap some benefit from this advance in price, which, for a considerable period, they did not do. Indeed, an agent of the Manchester Cotton Supply Association found, two years after the commencement of the civil war in America, that in some parts of India that fact was still unknown. He felt convinced that if the government turned their attention to the development of agriculture in British India, it would have the most important results, not only in that country, but at home; and before concluding he might mention that at the various meetings which had been held recently under the auspices of the Society of Arts, the conviction seemed pretty general that more canals, roads, and means of irrigation were the main instruments required for developing the great natural resources of British India. With reference to the tea-cultivation he was able to state, from his own experience, that the commercial failure which had attended the operations of many tea companies arose solely from appointing as managers gentlemen who were, unfortunately, totally ignorant of agriculture in general, or the growth of tea in particular. He felt certain that his Grace would favourably entertain the application he now made, and that his powerful aid would ensure the success of any well-considered scheme for obtaining the objects sought.

Sir CHARLES WINGFIELD, M.P., said he had accompanied the deputation, believing that the information asked for on the subject of the different productions of India would be most useful, and that it did, in fact, exist in the records of the different governments, and only required collating and digesting in order to be made available. The dissemination of knowledge of that kind could not fail to be useful, and he believed it would be very acceptable; he also thought the establishment of a department of agriculture a matter well worthy the consideration of the government. If such a thing were determined upon, a certain number of new officials would be required as inspectors or something of that kind, for the servants of the government were already over-weighted by their regular duties, besides being deficient in the special knowledge requisite. Having conducted a great many agricultural experiments, he was in a position to speak as to the great blunders which inexperienced persons might easily make in such matters; and the natives being dependent on their crops for the payment of the revenue, it would be unjust to induce them to undertake the cultivation of articles which might not prove profitable. With regard to tea-cultivation, he was quite satisfied that the failures had arisen almost entirely from the inexperience or dishonesty of the persons who were entrusted with the management. The tea cultivation itself was not a failure, but most of the companies which had undertaken it had been ruined, the plantations being then sold to persons on the spot, who looked after them better. There might have been some little difficulties connected with the labour question, but he did not think they could have affected the result to a greater extent than five per cent. on the profit and loss account. In conclusion, he thought it right to add that, at some of the Society of Arts meetings, strictures had been passed upon the conduct both of the home and Indian governments for a series of years, but he had been obliged to state his conviction that such strictures were undeserved. He was quite certain that there never had been, on the part either of the home or Indian governments, any desire to throw any obstacles in the way of developing the resources of the country, but, on the contrary, every wish to encourage, as far as possible, the growth of cotton and any other agricultural staples which it was capable of producing.

Mr. HYDE CLARKE, as acting Chairman of the India Committee, begged leave to support the statement of Mr. Bazley. He hoped in a few days to be able to lay before his Grace, in a convenient shape, the reports of the conferences which had recently been held on this subject. The Society had exerted itself with a view to promote information on these matters in India, and had offered a medal on the subject of tea-culture. It appeared to the Committee that the government might constitute a department of agriculture for India, to act in a similar manner to the Minister of Agriculture in France and in other countries in Western Europe, not interfering with, but supporting, local improvements as far as possible. India, of course, was in a very different position to England or the United States, where parties were able to form local voluntary *societies*, but the Agricultural and Horticultural Societies had done a great deal of good in this direction. The Committee, therefore, begged leave to suggest that there should be a system of assisted exhibitions, such as the government had already begun in some parts of India, with a view to promoting and stimulating agriculture. They ventured to think that the government would be justified in so doing, inasmuch as it derived so much of its revenue from the land-tax, so that really any expenditure of money in this direction would, sooner or later, be reproductive. One great object to be borne in mind, of course, would be to relieve the present servants of the government from many of the demands made upon them, for every one who had had any special experience knew that it became a very burdensome tax on officials to be called upon to assist in the cultivation of cotton or tea, of which probably they were entirely ignorant. It was hoped, however, that by a greater division of labour, and by the application of European intelligence, the government of India would be able more effectually to attain the great ends which they had in view.

Mr. EDWIN CHADWICK, C.B., said he attended as a member of the Council of the Society of Arts, who he believed had been of great service in bringing together the large consumers of tea, cotton, and other commodities, and those who had struggled with the difficulties of producing these commodities in India. There was one topic bearing upon agriculture on which he had some special information, viz., the question of irrigation, and with respect to that he believed it would be of essential service to India if the results of experiments which were constantly being made in England and in other parts of Europe as to the application of sewage to irrigation, and so on, were systematically published in India, so as to prevent what he knew to be the case at present, experiments which had already failed in the West being repeated in the East. Most important alterations and improvements were now going on in France, which were well worthy attention. But even if only those methods which were unsuccessful were made known in India, it would be a source of great economy, and would be the first step towards arriving at perfection. For instance, one mode of irrigation which had been prevalent in Europe was one that created marsh surfaces, and that had been carried on to an enormous extent in India, so much so that the line of one large canal could be traced by the mortality of the people living near it. From his own private information, he was enabled to state that important experiments were now being conducted in Italy on this subject, and it would be very desirable that the results of all such should be systematically collected and transmitted to the East.

Dr. ARCHIBALD CAMPBELL said he had been asked to say a few words on the subject of tea-cultivation in

India. There could be no question that, as regards quality, the experiment had been eminently successful, and the quantity was only limited by the amount of labour that could be procured, in order to send it to England at a remunerative price. The government, after nearly twenty years' efforts to bring it fairly before the public, in the course of which it was clearly proved that it could be grown well and advantageously, had withdrawn from the cultivation; and notwithstanding the efforts made by the Agricultural and Horticultural Societies to aid in developing this branch of industry, he believed there was abundant room for the action of such a department as had been recommended by Mr. Bazley and Sir Charles Wingfield. The recommendation that a money prize should be offered for the best essay on tea-cultivation, though of secondary importance, would also, in his opinion, be highly useful.

The Duke of ARGYLL, in reply, said the suggestions which had been made were of considerable importance, and appeared well worthy of consideration. There was no doubt whatever of the immense benefit which had been derived in this country even, from the establishment of voluntary agricultural societies. The Highland Society had had a very powerful effect upon the agriculture of the country, and the corresponding society in England had also done a great deal of good. He was afraid there were not the same materials in India for getting up a purely voluntary association of such a character, but the intelligence and education of the native princes were now so much improving, that he was not at all sure that, with some assistance from the government, some such organisation could not be established, and perhaps that would be the best way of setting about it. He would, at any rate, communicate with Lord Mayo upon the subject immediately. From what had been said by the gentlemen who had addressed him, he did not conceive that the present application was made in any spirit of accusation of the government of India, and certainly he was not about to take an apologetic tone; but it so happened that, having been examining certain statistics with a view to a financial statement, he found that in the decennial period since the mutiny, the purely agricultural products—exclusive of opium, which, being a government monopoly, and in other respects exceptional, he omitted—had increased nearly £23,000,000 in declared value. A very large proportion of this amount represented cotton, for in one year the amount was £18,000,000, and in another year it was still more. The export of grain had also largely increased, showing that the agricultural prosperity of India was rapidly progressing. Then, there were several items which were comparatively new, as oil-seeds, wool, coffee, tea, jute, all of which had only appeared in any quantity since the mutiny, but they now figured for about two and a-half millions. This comparison was not taken in any extraordinary year, but represented the increase in the last year, for which they had complete returns, 1866-7, over the year before the mutiny, 1856-7. If an exceptional year were taken, when the stimulus of extraordinary prices operated, the result would be still more astonishing, for during one year of the American war, the increase of exports was £27,000,000, the total amount being £41,000,000, of which £34,000,000 represented cotton alone. With regard to tea-cultivation, that might be said to be entirely the child of the government, but they had now, he believed, got rid of all their plantations, and left the matter in the hands of commercial men, who would no doubt conduct it to much greater advantage. He was sorry to hear of the failure of so many of the earlier enterprises in that direction; but unfortunately that was too often the case in any new branch of industry, railways or otherwise—the first projectors were ruined, but the country gained the benefit. As far as he could judge by the returns before him, the production of tea was steadily increasing.

Mr. BAZLEY remarked that the quality of Indian tea was superior to any obtained from China.

Mr. HYDE CLARKE desired to add that Mr. Dickins, the president of the Silk Supply Association, and Mr. Cheetham, the president of the Manchester Cotton Supply Association, had been much indebted to his Grace for information afforded to them; but, in order to do any real, lasting good, there must be a systematic following up of the subject in some such way as that which had been suggested.

The Duke of ARGYLL inquired if it were not the fact that sufficient knowledge existed in India to ensure average crops under ordinary conditions.

Sir CHARLES WINGFIELD said there was sufficient knowledge, it only required the stimulus of high prices to increase the production. There were a great many subjects on which there were abundant statistics, if they were made generally available, as, for instance, the growth of sugar and the quantity produced per acre. Again, after the Russian war, an inquiry was set on foot as to the growth of jute and other fibres, the cultivation of which had since been much increased in every district of India, and a great deal of information had been collected on the subject of silk cultivation, which was carried on for three years in the province of Oude, and abandoned, simply because it was found that the dry heat of April, May, and June was destructive to the insect. There was an immense fund of information in the records of the different governments, which only needed collating and editing.

The Duke of ARGYLL said that such a course would be likely to save the expense of unsuccessful experiments being repeated.

Mr. CHADWICK said that was exactly what he referred to with regard to irrigation. Unfortunately, in England, most of these works were carried on by engineers who were not agriculturists, or by agriculturists who were not engineers.

Sir CHARLES WINGFIELD remarked that the canal before referred to by Mr. Chadwick as causing malaria, was one of the ancient Mogul canals, which had been re-opened.

The Duke of ARGYLL said he was very sorry to find that the season had been very unfavourable in India, and that, but for the constant action of the government, thousands of people must have died. In the central district alone, by the last accounts, about 14,000 persons were actually supported by the government, on what were called relief works. In dismissing the deputation, he repeated his intention of immediately communicating with Lord Mayo on the subject which had been brought under his notice.

MEETING.

On Monday afternoon, the 5th instant, at 4 o'clock, p.m., a meeting took place in the Society's Room, when a paper "On the Limits to be placed upon Posthumous Dispositions to Public Uses," was read before the members of this Society, and the members of the Association for the Promotion of Social Science, by ARTHUR HOBHOUSE, Esq., Q.C. The Right Hon. Lord STANLEY, M.P., presided.

ON THE LIMITATIONS WHICH SHOULD BE PLACED ON DISPOSITIONS OF PROPERTY TO PUBLIC USES.

BY ARTHUR HOBHOUSE, ESQ., Q.C.

It has occurred to me to speak twice in public on this dry subject, and I shall make no apology for briefly recapitulating what has been said before, because it forms a necessary introduction to that which I have now to say.

The first address* dealt principally with the past, and

* "Lecture on Charitable Foundations, delivered at Sion College, 12th March, 1868." Booth, 307, Regent-street.

was mainly an historical answer to the question,—"How did we arrive at our present standpoint?" The second* dealt principally with the present, and aimed at answering the question,—"What is our present standpoint?" Before I sit down to day, I shall attempt an answer to the much more difficult and conjectural question,—"At what ought we to aim for the future?"

Indeed, each of these questions is inseparably bound up with the other two; nor have I done so idle a thing as to attempt the treatment of one without trenching on the others. The bearing of the past cannot be traced without an exhibition of the present and some forecast of the future. The position of the present cannot be explained without examining its two out-looks—the retrospect and the prospect. And to make plans for the future without an accurate analysis of that which is, and at least some study of that which has been, is a rash proceeding likely to result in failure.

The first thing I endeavoured to show was, that whereas the English nation has been keenly alive to the mischiefs of perpetual settlements in other cases, and has, in ways more or less orderly, defeated them, it has, from a variety of causes, allowed to founders of what are called charities, in other words, to settlors of property to public uses, a power of posthumous disposition, unlimited in point of time, and almost unlimited in range of object. This power has, like other arbitrary and excessive powers, been used with little self-denial, little public spirit, and more especially with little wisdom. It has been used selfishly and blindly, according to the ordinary passions and capacities of ordinary men. Yet we have chosen to remain in bondage to the fetters which men no wiser nor better than ourselves, and long since dead, have forged for us. I have endeavoured to trace out the causes of this singular phenomenon; have combated what I think the unreasonable and superstitious regard for the commands of persons who have shown no claim to be regarded beyond their fellows; have denied the right (apart from positive law) of any human being whatever so to enforce his will on posterity; have contended that the positive law which does in this country allow such extravagant power should be altered, and that the management of property should be resumed by those who alone can either manage or enjoy it, viz., the existing generation of men; endeavouring to express my doctrines in this simple formula—that property is not the property of the dead but of the living.

My next proposition was, that we are making no substantial progress towards sounder views; and for the proof of this I relied principally on the evidence afforded by the various essays at legislation on this subject for some years past. One object in doing so was to controvert an opposite opinion expressed by Mr. Mill—an opinion which was calculated to stop all exertions in the direction of progress, and, indeed, to turn them backwards, as it appears to have done in his own case. Mr. Mill thinks that people at large are sufficiently convinced of the impolicy of perpetual settlements to public uses, and that now there is danger of their not allowing enough of posthumous power to rich people. I think that there is not the smallest symptom of any such danger, if danger it is to be called, and fear that we have made no appreciable advance towards shaking the absolute dominion of founders.

Notwithstanding this, I have been urged to examine, and I now propose to examine, how far the existing powers of founders ought to be curtailed. And in so doing I will again deal with the doctrines advanced by Mr. Mill, in the paper to which I have already referred. I do so for two reasons. First, because those doctrines seem to me to contain much error; and error from a man of such mark, and on a subject, too, which hardly anybody has taken the pains to study, produces disastrous effects. I have already come across cases in which people who really shrink from and wish to suppress the whole discussion, are delighted to quote so great an authority in favour of quiescence. Secondly, because arguments (I am not speaking of assertions) in favour of the authority of founders are so scarce that it is refreshing to find one of substance enough to grapple with, and useful to know whither to direct one's force.

First I will perform the more pleasant task of noting points of agreement. Mr. Mill allows that gifts to public uses which work a clear and positive public mischief ought at once to be interfered with, and he instances doles or distributions of direct alms. Again, he thinks that in all cases there ought to be some limit of time beyond which the founder's intention should be wholly disregarded, or, in other words, when his ownership over the property should cease. In both these propositions, as far as they go, I heartily agree, merely observing that they have not yet found acceptance; that the evils arising from their non-recognition are very serious, the powers engaged in opposition to them very great, and that there is no chance of these or any other useful reforms being made acceptable to the nation at large, until they have learned to estimate the right of posthumous disposition more nearly at its true value.

But when we come to consider at what point of time the founder's ownership shall cease, Mr. Mill propounds schemes which seem to me objectionable, and founds them on reasoning which is absolutely fatal to all effective reform on such a subject.

His first and most characteristic argument is that variety, and not uniformity, is the thing most essential to human progress. Minorities, he says, ought to be protected. The experiments of individuals to promote the public good ought to be allowed; and to disallow them in the supposed interest of the public, is an offence against human liberty. And he inveighs against the intolerance of the majority respecting other people's disposal of "their property," of "money of their own," of what is "lawfully their own," after their deaths. Now, that the thoughts and speculations of adult reasonable beings should be left to play freely and without restraint, I agree. Their actions should be as free as is consistent with the avoidance of injury to their neighbours. To justify restraint of individual action on the ground of detriment to others, the detriment should be clear and indubitable; or, in legal language, the benefit of the doubt should always be given in favour of individual freedom. So much the perfect law of liberty requires, and so much is essential for the due progress of mankind. These principles demand that, in the expenditure of money as in other things, adult reasonable beings should be left to act nearly as they please. While a man is alive, you have a tolerably sure guarantee that he will not, for any public object, expose himself to privations, to blame, to ridicule, to the chances of failure, or even undergo the exertions which any original or eccentric course of action involves, unless he has some strong enthusiasm or conviction that he is right. This guarantee might not work in all cases, but it would in so many that the others may be safely disregarded.

But when a man's deeds are to have no operation till he is dead, what security have we that he will be guided by any considerations of public spirit or benevolence; that he will feel the weight of responsibility, that his passions will be chastened by conscience, or his fancies corrected by sober reason and reflection?

I have intimated on previous occasions my deep distrust of *à priori* reasoning on practical subjects. Speculation and conjecture are doubtless essential to all discovery, but they should be carefully collated with facts, and if unverified are worth very little. To my mind the conjectural reasoning is against Mr. Mill's view. But I willingly turn from it to the teaching of experience. And it seems to me that if there were any truth in the notion that, in order to have useful experiments properly tried in matters

* "On the Authority accorded to Founders of Endowments." Address delivered at a meeting of the Social Science Association, 10th May, 1869.

of public interest, we ought to put it in the power of men to make posthumous dispositions for this purpose, our history, and especially our history of the last 250 years, would abound with instances of valuable discoveries being made by means of such dispositions. We should be able to point to institutions and arrangements of great and acknowledged value taking their origin in some bequest, and which, but for that bequest, could never have flourished. Where are they? I ask Mr. Mill and those who agree with him to point out one, and when I am told of it, I promise to examine it.

At present, though our law has favoured gifts to public uses beyond that of any other country, though the wealth of our testators has exceeded that of any other country, I have never come across a single case to support Mr. Mill's hypothesis, that the power of binding the public to accept property on a testator's own conditions, is of value in the discovery of new modes of benefiting the public. But I have come across many, very many, cases in which that power has visibly operated to demoralise the testator himself, and all whom his actions affect. After my accustomed method, I will proceed to cite some.

The first case* is one of very blameworthy character, both as regards motives and results. I have, on a previous occasion, attempted to classify the motives of founders, with a warning as to the difficulty of referring any act to a single motive. In this instance, however, the founder appears to have been remarkably single-hearted. His motive was spite.

George Jarvis was a man of property in Herefordshire. The neighbours tell us that no charitable intentions entered his mind until he was displeased at the marriage of his only daughter, or at some incident therewith connected. He lived to see his daughter become a mother and a grandmother, but he nursed his resentment through all changes and chances of life. His grandson had to sell a settled family estate to pay off charges upon it. Jarvis was then heard to say that he could clear the young man's estate and make him all right, but he would not. He made a will, by which, with moderate exceptions, he disinherited all his issue, and gave his property (about £100,000) to trustees, bidding them apply the income to the poor of three specified parishes, in money, provisions, physic, or clothes. One Mr. Holford, a friend of his, to whom the design of this will became known, remonstrated with him, saying, "The infant children of your grandson cannot have disobliged you;" but he was unrelenting. He died in 1793, without change of purpose.

The fruits of his act were, like its root, evil. The whole population of all classes in the three parishes was, by the census of 1801, under 900. To describe the state of things thus produced, I borrow the language of Mr. Hare, who officially inspected the place:—"The distribution of £2,300 a-year in alms brought into the parishes, not labourers seeking employment where it was likely to be found, but persons naturally desirous of participation in gifts which could be obtained without labour. The landowners, or wealthy inhabitants, were not likely to make any provision for the residence of increased numbers, whose immigration they did not invite; but, as habitations were necessary, the cottages became more crowded; houses, not more than sufficient for one family, were divided into two or more; and other dwellings were built, not the production of capital directed to the supply of a social necessity, or in situations adapted for the convenience of the employer and the employed, but built by the poor themselves, or those little above them, some on waste and others on remote spots, with regard to little else than mere shelter. I will not venture to repeat the traditions which are current of the evils which this state of things created; but the inhabitants of the country round these parishes, who remember their state some years ago, are uniform in their testimony of the demoralisation of which the poor were by this means made the victims. Their mode of existence is said in some respects to have resembled that alternation of want and repletion which is characteristic of the savage state. The absence of regular employment for so many persons often occasioned at times want and suffering, whilst the large quantities of food distributed at other times led to great excesses. No habits of care or providence taught them to husband that which it had cost them no labour to obtain; and where poverty was the title to participation, there was little encouragement to that steady industry which could alone avert it. Idleness, discontent, and improvidence were found to be the fruits of this ill-conceived and ill judged gift, to which must be added an immorality of life, the results of which are yet distinctly felt." I need add no more, except to say that this miserable state of things took place under a Chancery scheme settled by Lord Eldon in the year 1802, and was not altered till the year 1852, when an Act of Parliament was passed. This, by the way, is just fifty years, the minimum time for which Mr. Mill thinks that living men ought to submit to founders' experiments for the public good.* But with the subsequent history of the foundation, unsatisfactory enough, we have now nothing to do. Its origin and early history are a standing monument, though only one of many, warning us not to trust our happiness to the good feeling or the good sense of persons who know that they will be safe from the disasters their acts may cause.

I turn now to a very different kind of man, one who may be credited with a sincere wish to do well in the disposition of his property. George Abbott, Archbishop of Canterbury, was a man of learning and accomplishments, not unversed in State affairs, and of more than average worth and integrity. He was a native of Guildford, and desired to benefit the town he loved. It seems that at an earlier date manufactures had been carried on in Guildford, but that this trade had ebbed away from it. Abbott's notion was to restore the trade, and also to build an almshouse for the poor.

My principal reason for examining this case is, that it has been brought forward as an admirable specimen of foundations, and as an example and reason why they should be more encouraged by the law than they are. The most eminent witness examined by the Parliamentary Committee, who reported on this subject in the year 1844, was the late Sir Francis Palgrave. His evidence is very voluminous, and full of learning. He is a warm advocate for eleemosynary foundations, and he selects Abbott's as worthy of especial eulogy. It is a "munificent foundation," a "great and good design," "ungrudging and unstinted bounty," and so forth. I take it, therefore, that in the opinion of a man having most extensive knowledge of such matters, and much interested in them, this is as favourable an example as he can adduce.

I find that some questions were put to Sir F. Palgrave, with a view to find out how much property the Archbishop actually parted with in his lifetime. They were not answered, and I do not propose to pursue them further here, for they relate to the motives of the founder, and we may fairly in this instance assume them in his favour. The more important question as to the wisdom and success of his arrangements was not raised.

Now Abbott died in the year 1633. He left one property for the purpose of setting up manufactures of stockings and other things, that the place might flourish as theretofore. Other property was left to endow almshouses, which he had built in his lifetime, for twelve men and eight women. In about twenty years time† the

* This account of Jarvis's foundation is taken mainly from a letter written by Mr. Hare to the Bishop of Hereford, in the year 1856.

* It is true that the foundation in question was for doles, which Mr. Mill would proscribe. But, in 1801, perhaps most men thought almsgiving was necessarily good. Certainly great quantities of persons left money in this way, hoping to have it imputed to their credit in the great account. And after all, the remark would not touch the present question, which is, whether it can safely be permitted to men to play fantastic tricks at the expense of posterity alone.

† Charity Commission Reports, vol. 31, p. 887.

Guildford people demanded relief, showing that manufactures of different kinds had been tried, had failed, and had "been found to be even prejudicial to the town." This was in the time of the Commonwealth, when founda tions were dealt with somewhat more boldly than at present. A decree of the Lords Commissioners, made in the year 1656, put a stop to the manufactures, but, following the *cy-près* doctrine, and clinging to the notion of fostering trade, they could find no better use for the funds than a distribution among the poor honest tradesmen and housekeepers of the town who might want stocks. This led immediately to the practice of money-doles. In the year 1785, an information was filed, stating "that the distribution of the money had been found to be of little use, and often to operate as an inducement to idleness and drunkenness." A fresh decree was made, leaving still a moiety for the doles, and devoting the other moiety to the establishment of four additional almswomen. This arrangement was, as may well be conceived, no great improvement. Another Chancery suit was set on foot, and, in 1855, the Court, happily finding the ground very much cleared by the decree of 1656, made over the whole fund to a middle school.

So much for this honest man's attempt to bring back trade to Guildford. Two centuries of failure and degradation have resulted from it. What may yet result is hidden in the womb of the future. As for the almshouse, it would seem to be much like other institutions of the same kind—not worse than its neighbours, and not better. The almspeople were made a corporation, so that a number of old, illiterate paupers became owners and managers of what was, to them, a large property. The mismanagement was great, and on this ground the corporation has recently been dissolved, and the management placed in other hands. I have not come across any proof that the town has derived any benefit whatever from the almshouse, and as, whenever similar cases are examined with a view to test their working, it is usually found that almshouses are no benefit but a burden to the places where they exist, so it may be at Guildford.

The inference I draw is, that even could we secure honesty of purpose on the part of all founders, we cannot trust their wisdom to make arrangements for the conduct of their neighbours' affairs.

But the great majority of foundations occupy a middle space between the consciously bad and the consciously good motives. They proceed from a mixture of motives, and are characterised by a very small amount of thought for others. When thought is bestowed, it is generally for the founder's own self.

Take the following mixture of bitterness, vanity, and eccentricity, in one Thomas Nash:—"I do also hereby give and bequeath to the mayor, senior alderman, and town-clerk of Bath, for the time being, the sum of £50 per annum, in trust, payable of the Bank Long Annuities, standing in my name at the Bank of England, for the use, benefit, and enjoyment, of the set of ringers belonging to the Abbey Church, Bath, on condition of their ringing on the whole peal of bells, with clappers muffled, various solemn and doleful changes, allowing proper intervals for rest and refreshment, from eight o'clock in the morning until eight o'clock in the evening, on the 14th May in every year, being the anniversary of my wedding-day; and also on every anniversary of the day of my decease to ring a grand bob major and merry mirthful peals, unmuffled, during the same space of time, and allowing the same intervals as above-mentioned, in joyful commemoration of my happy release from domestic tyranny and wretchedness. And for the full, strict, and due performance of such conditions they, the said ringers, are to receive the said £50 per annum, in two payments of £25 each, on those respective days of my marriage and decease. And now that dear divine man—(to use Mr. Nash's own words)—the Rev. P. B., may resume his amatory labours without enveloping himself in a sedan-chair, for fear of detection." This gentleman did not give much thought to the welfare of the ringers, who are the objects of what is conventionally called his "bounty," nor to that of society at large.

Take again such an instance as this. The lord of the manor of Barton founds a school for the poor of several parishes. There are to be forty children, all of whom are to be appointed by the lord of the manor. All the children are to be taught to read, but none are to be taught the dangerous arts of writing or arithmetic, except such as the lord of the manor shall think fit. I need hardly say that difficulties have arisen in the conduct of this school. Is this one of the experiments to which we ought to submit ourselves for 50 or 100 years? The foundation was in the year 1807.

Now, will anybody say that the spite, the short-sightedness, the narrow spirit, the carelessness evinced by different classes of founders, is deserving of our respect, or that it can benefit the public to accord to them even one year of absolute power over property which the course of nature has compelled them to relinquish? Those who contend for this are at least bound to show on what experience they found their opinion. For myself, I will venture here to repeat words that I have used before*:—"It may be that private endowments were useful in the times when they were first devised. Like monasteries and trade guilds, they may have been the hard shell protecting a kernel of great virtue, destined one day to germinate into life, and shatter its protector into fragments. It may be so, though except as to institutions for learning or religion, it is not easy to think that it was so. To me it seems that, in this matter of charitable foundations, we are reaping simply as we have sown. We have committed a vast power to fortuitous and irresponsible hands; and they have used it according to the measure of their goodness and their wisdom. It is difficult for the wisest and the most patriotic man to see clearly the needs of the age he lives in. We have said that any man, however selfish or stupid, may assume to foresee the needs of all future time. It is much to permit that anyone should force his countrymen to take, on his own terms, wealth of which he denudes himself. We have said that he *may force them* so to take wealth of which he only deprives others. What wonder if there is poverty of result from acts for the performance of which we require neither wisdom, nor public spirit, nor self-denial."

But Mr. Mill uses other arguments. He thinks that the right to impress on property trusts affecting the public stands on the same grounds with all other testamentary power. "If," he says, "it is right that people should be suffered to employ what is lawfully their own in acts of beneficence to individuals taking effect after their death, why not to the public?" Why, for two very plain reasons:—First, because a man may very easily be, and usually is, wise enough and concerned enough in the result to choose his successors; but few are concerned enough in the result, and no one is wise enough, to judge what may be the needs of society even a few years hence. And secondly, if a private person receives property coupled with injurious conditions, he may get rid of the property and the conditions together. But the public is the ultimate heir; it cannot renounce the gift; it is bound to accept it, conditions and all; for ever, according to our present law and according to most opinions; for fifty or a hundred years according to Mr. Mill.

To show the singular tenacity of opinion on this subject, I refer again to Sir F. Palgrave's evidence before the committee, merely remarking on the singular state of the mind which, knowing of the case mentioned in answer 176, could utter the answer 175.

"174. Would you not leave a large power to some competent tribunal to alter the application of charities when the prescribed means are found to be comparatively inadequate to attain the end?—I would leave the matter,

* Lecture on the "Characteristics of Charitable Foundations in England," p. 33.

as it now is, to the Court of Chancery or to Parliament, between whom any particular evil would be redressed.

"175. Chairman.—In point of fact are they cases which happen with sufficient frequency to make you think that a sufficient guarantee?—I think they are; I am not aware of any charity whatever subsisting for any purpose grossly inconvenient or improper.

"176. Mr. C. Buller.—Supposing, for instance, at the time the Manichæan doctrines were prevalent in England, and there had been an alarm in the mind of some pious person respecting the prevalency of these doctrines; suppose he had left a dozen preacherships to preach against the Manichæan doctrines, would you perpetually devote these foundations to that purpose, which by this time would become so utterly useless; or would you give some competent tribunal a power of alteration for religious purposes with the application of these funds?—I should say that I would leave that to the discretion of the trustees and the preacher; without alluding to Manichæan doctrines in particular, he might preach against other errors sufficiently near these doctrines to satisfy his own conscience, and that of the trust. It is impossible to deal with extreme cases; when they do arise, the law and Parliament always deal with them. There is a case at Norwich, where there is a foundation for the Walloons; the minister preaches annually a sermon in Low Dutch, which nobody understands.

"177. Sir G. Grey.—Is that the condition?—Yes; the sermon is preached every year; it was for a long time preached by one who had had his education in Flanders; I believe the clergyman now learns a sermon by heart and preaches it.

"178. Mr. C. Buller.—Do not you think that went rather to a desecration than to any good religious object?—It may be so; I would not deal with it."

Of course, if a man is dealing with "what is lawfully his own," there is an end of the question. And this leads me to Mr. Mill's next argument. He says that, to treat property given to public uses as given to the public, and for the public to insist that they understand their own affairs best, and will apply the property, not to what they see to be hurtful, but to something else, is an offence against property as well as liberty.* That it is an offence against that law of property which happens to exist in England we all know, for it is that law of which we are complaining. The expression must mean that it is an offence against what ought to be the law of property. It is no offence against the law of that large portion of the world which has adopted the Code Napoleon, nor against the law of Austria or of Prussia.† Other civilised countries have thought it proper that the public should have a voice in the matter of their own improvement, and not be improved after the fancy of any private person. And this law is not, like our law, an ancient result of a number of beliefs, feelings, and political needs, now long extinct, but the result of deliberate policy, and one of the later products of civilisation. Why, then, ought the law of property to give every rich man a definite term of years after his death in which he may, according to the extent of his riches, work his will upon the public? Why should Christopher Tancred arrange, for 100 years, that twelve human beings should be confined in what has been called "a hell upon earth" because he *wishes his land to be kept* together and called by his name? Why should honest Archbishop Abbott be allowed to inflict misery upon the town of Guildford for 100 years, because, in his blindness and ignorance of economical laws, he thinks he can bring back the trade of the place? Did Abbott or Tancred create the wealth they had in life? Because a man is fortunate enough to enjoy great possessions in his lifetime, is that any reason why he should be invested with extraordinary and unalterable legislative powers after his death? One man, say Mr. Mill, devotes himself to mental cultivation, to speculations on most important subjects, to efforts at redressing social wrongs; he obtains fame, esteem, influence, all the nobler objects of man's ambition; but there is one thing of which he does not get much, and that is money. Another man, say Mr. Thornton, devotes himself to the turning and making of money, and his industry and acuteness are rewarded with a great quantity of it. But what is there in this which shall induce us to say that the labourer in the field of wealth *is, to the extent* of his two or three millions, to become a legislator for us by laws unalterable for a century, while no such power can be exercised by the labourer in the field of intellect? No; the rich man may well be content with his own enjoyment of his riches, and his power of choosing a successor who may enjoy them in like measure. And if he chooses the public for his successor let him do so; but then the public must be the owner of its own property, and not be treated as a child, unfit to judge what is for its own good, and to be placed under the dominion of trustees and guardians even for a term of years. To contend for the emancipation of our nation from this tyranny may be wrong on other grounds; but to say that it is an infraction of the law of liberty is, indeed, to take the sacred name of liberty in vain.

I have now done with the arguments advanced by Mr. Mill, but I cannot leave the subject without a protest against the use of a sort of regulation-language, which one expects from ordinary quarters, but not from a man of accurate thought. To talk of the piety or *benevolence of* people who give property to public uses, is a misuse of language springing from confusion of ideas. As a matter of fact I believe, as I have elsewhere said more at length, that donors to public uses are less under the guidance of reason and conscience, and more under the sway of the baser passions, than other people. But, supposing it otherwise, what possible reason can there be for attributing to them higher motives than actuate those who leave their property to private persons? A man is quitting this world, and cannot carry his riches away with him; he must leave them for other, and what tittle of beneficence can there be in saying who that other shall be? Whether he gives it to A or to B, and whether his donee represents public interests or private, his beneficence surely stands at the same level. He may perform this act, as he may perform any other, with or without good feeling and good sense, but how the choice of one heir instead of another enables us to judge of this, unless we know many other circumstances, it is hard to see. But test this language as we should test everything, by comparison with facts. There is something ghastly *in the thought* of Tancred's beneficence. To talk of the beneficence of Jarvis seems like a bitter and hideous jest. A man cherishes his wrath, originally unrighteous, against those who are closest to him, for a long series of years; transmits it from the parent to the children unto the third generation; and adjusts his property for the very purpose of giving pain to some in a way which spreads ruin and corruption broadcast among others. And then, forsooth, we are to be told of his beneficence. I trust that when these matters have been more thought of, we shall hear no more of such misplaced encomiums.

Another reason sometimes assigned for giving an absolute term of years for the exercise of a testator's power, is the analogy afforded by the testamentary power over gifts

* I believe I am not misrepresenting the position, though abbreviation is necessary. In pp. 372–381 of his Essay, I understand Mr. Mill to contend that, except in cases of clear and positive public mischief, every man has a right to a term of years during which he may devote his property to experiments on the public welfare.

† See the evidence of Mr. Adolphus Bach, given before the Committee of 1844, pp. 95 *et seq.* "I have not myself any original acquaintance with the law of Austria or Prussia, and very little with the Code Napoleon; but it so happened that, when at the bar, I had to argue the case of Lord Henry Seymour's will, and to look into the French Law of Charitable Bequests for that purpose. That case affords striking evidence of the great superiority of the French law to our own in this respect. Under the same bequest 'to the hospitals of London and Paris,' the French enjoy their share without a word of dispute, while over the English share years of expensive litigation have taken place, and it is not yet ready for use. This is entirely owing to our superstition about the 'founders' intentions.' The French take it as a gift to the public, and use it accordingly.

to private persons. If, indeed, this is brought forward merely by way of analogy and illustration, the foregoing considerations are sufficient (though many more might be added*) to indicate the difference between the two cases. But if urged, as it frequently is, by way of substantive argument, we are driven to consider the propriety of the existing law of posthumous disposition to private uses.† Time will not suffer me to enter into anything approaching a full discussion of this topic, which is hardly less complicated, and is of far more extensive social effect, than the law affecting public uses. I can do little more than indicate the nature of the reasons which lead me to think that the dead have too much to say to all our arrangements.

I have elsewhere stated what the law of perpetuity is, and have briefly sketched its origin.‡ It was not the result of any national deliberation, neither did it drop from heaven. It was invented by a series of judges, and so grew up by force of custom, like some other of our institutions. The effect, as most of you will remember, is to allow the ownership of property to remain in suspense, in other words to belong to the settlor himself, for the lifetime of any number of living persons, and 21 years after the death of the survivor. It probably represented the prevailing views of the great landowners of the time, otherwise it would hardly have been promulgated, or, if promulgated, would have excited opposition. It ought not, therefore, much to surprise us if a law framed from two to three centuries ago to suit the people who had only recently been rid of perpetual entails, should be found now to be too restrictive of freedom. I, for one, think that it is so. In this case also I claim for each living generation the full dominion over the fruits of the earth, and the power of judging for itself what is most for its own good.

Now the effect of our law of perpetuity is this—that the settlor of property can take the dominion over it away from those whom he knows, to confer it on those whom he does not know, nay, on those who are unborn and may never come into existence. This power is very commonly exercised to its fullest extent, merely because it exists, and without the slightest reason beyond the pleasure of exercising power. A testator will not allow his son, though he may trust him and love him, to make arrangements for his own children at a time when he knows their number, their characters, or their needs, but insists on making those arrangements himself, some thirty or forty years beforehand, when nothing whatever is known of the circumstances to which they will apply. The result is that, among the richer classes of this country, a very large number of families have their property governed, not according to their own desires or necessities, but according to the guesses or the fancies of some one who died long ago, and who could not, even if he wished, make the best arrangements for them. If we were now proposing to enact such a law, this statement of it would probably be enough to ensure its rejection. What could be more irrational than to maintain that each generation shall be considered more competent to foresee the needs of the coming one than that one, when arrived, is to see them; and that the disposition of property shall never be brought abreast of the existing age, but shall always be subject to the views of the past age? Yet, such is the direct effect of our law of posthumous disposition; and according to my experience, the phenomena are much in accordance with the law. As the tree is, so is the fruit. The cold and numbing influence of the dead hand is constantly visible.

I am not going to discuss the more public side of this question, to which task, indeed, I am not equal. The law is both attacked and defended on grounds of general policy and of political economy.* Those I pass by now. Whether a curtailment of the power of settlement would tend to break up properties,† or, if it did so, what might be the political effect, I do not presume to say. Such inquiries seem to me of a very remote and conjectural character, even when conducted by competent persons. What I consider to be not conjectural, but proved by experience in all human affairs, is, that people are the best judges of their own concerns; or if they are not, it is better for them, on moral grounds, that they should manage their own concerns for themselves; and that it cannot be wrong continually to claim this liberty for every generation of moral men.

But there is another side of the question, with which my professional experience has made me familiar; and this is the department to which the law directly applies, and in which it produces its immediate effect. The interior of every family of any opulence is affected by the law of posthumous disposition, and the effect of the great power allowed to settlors is very prejudicial. I am not speaking at random, but with many instances present to my mind, in saying that a strict settlement is apt to place everyone concerned in a false and constrained position. Suppose that land is the subject of it. The father of the family, cut down to a tenancy for life, resents the restraint, disclaims responsibility for the inheritance, and declines to assist it by improving, or to spare it from charges by saving. If he has daughters only, the matter is worse. On his death, they and his widow will have to leave their home, of which some collateral, more or less distant, will take possession. Why should things be made comfortable for him? If he has a son, that son is secure of his succession; he owes his property to his grandfather, whom he never saw, and feels independent of all obligations. If unable to make satisfactory arrangements with his father about money, he will raise it by post-obits. If there is no issue, the relations between the life-holder and his collateral successors are much the same. This is the case, supposing him to be a man who does not exceed his income. But supposing him to be extravagant, then is seen a most melancholy sight. A family with wealth enough to provide for their wants and give them some start in the world, but with it all placed out of their reach during the father's life; the income goes to his creditors; the children may grow up in a state of ignorance and destitution; he is trying how far, by wheedling trustees or by the astute exercise of legal powers, he can encroach on their portions; they are expecting money in the future, and making no adequate exertion in consequence. It is probable that many men would be restrained from squandering their fortunes, if it were not for the delusive idea that the capital is placed beyond their reach, and will be saved from a wreck. But be this so or not, it is better, far better, even for the children themselves, to say nothing of the public at large, that they should, as regards inherited property, stand or fall by their parents' acts, and that they should not undergo the excessive trials which beset everyone who is poor now, but rich in expectancy.

* As for instance that on which Turgot principally insists, the impossibility of finding trustees who will enter zealously into the founder's views; expenses of management; temptations to peculation; inevitable quarrels between the various claimants of a legal right to share in the property—all direct consequences of the founder's continued ownership.

† A perpetuity is a perpetuity, whether the uses are public or private. This has always been sooner or later felt, though it is singular how separate the two classes have been kept. Legislation was aimed at gifts to religious bodies as early as Magna Charta, but secular corporations were not touched till the reign of Richard II. Licenses to make parks were subject to the same conditions as licenses to amortize land in 27 Edward I. Perpetual entails were not got rid of till the reign of Edward IV., and then by judicial process. But the dead hand was shaken off private property much more effectually than off public, though the efforts came later in our history.

‡ Lecture, &c., pp. 14 *et seq.*

* Usually under the name of the law of primogeniture, a name inaccurate and misleading. The important law which people really wish to discuss may be called the law of perpetuity or of settlement, or, as I have usually called it here, of posthumous disposition.

† As far as my own small experience goes, I have found that strict settlements do not foster, but retard, accumulation of land, a process which, I suspect, is due partly to moral causes, and chiefly to monetary ones, and not in any degree to the state of the law under consideration.

Strict settlements of money differ in some respects from those of land, but their effects on families are so alike that it is not worth while to pursue the differences here.

Of course I am not saying that the effects just described are in fact the usual result of strict settlements. Men are constantly better than their laws; and family affection, prudence, self-respect, and a sense of right and justice, are always operating, and in most cases with success, against the tendencies I have mentioned. All I say is, that these virtues would operate more freely and effectually if people were left with more freedom and more responsibility; that settlements have a tendency to blunt the sense of responsibility, by shackling freedom of action, and to impair the delicate interdependence of parent and child; that these tendencies come frequently into partial action, and not very infrequently into full-blown action. My belief, therefore, is, and has long been, that society at large would gain much, and lose nothing, if the power of posthumous disposition were confined to persons living at the date of the disposition.*

There is now another school of opinion on the subject of foundations, to which I must advert. Of this school Mr. Lowe is the most prominent teacher. He, it seems, would hardly admit of any endowments at all except, perhaps, in the shape of buildings, libraries, or such like things, producing no income.† To this I cannot assent. Mr. Lowe's late pamphlet insists on considerations of the greatest importance, perhaps of more importance than any other class of considerations. And if in any practical matter we lose sight of the maxims that we must offer to people the thing they want, and not the thing they don't want—that the users of an article are, in the long run (longer or shorter according to the simplicity of the article), the only available judges of its value—and that the exertions of the mass of mankind must be stimulated by their interest—we shall come to disaster. Moreover, his argument has the great merit—which ought not to be, though it is so singular—of being founded on experience, and affording solid grounds for assent or dissent. My reasons for dissenting from his conclusions are as follows.

In the first place, I think he has not borne in mind the cause of the failure of endowments. That failure is directly traceable to founder-worship, to our slavish and literal adherence to the directions of founders, instead of operating on the funds by public authority, and adjusting them from time to time, as change of circumstances requires. Having gone on the foolish principle of allowing the dead to govern the living, we cannot be said yet to have tried the effect of endowments. We are at least bound to try whether there is not wisdom enough and strength enough among us to convert endowments to really useful public objects. And I, for one, do not see why this should not be effectually done, if the nation becomes heartily in earnest about it.

Secondly, I think that Mr. Lowe has overrated both the ability and the will of people to provide themselves with those advantages, (a sound middle-class education is the subject he discusses) which it is designed to give them by means of endowments. It may be that, in progress of time, they may become able and willing, as undoubtedly they are more so now than they were fifty years ago. But that happy time has not arrived yet, and a judicious use of endowments may tend to hasten its arrival.

Thirdly, I think he underrates the effect of a good school supported by endowment. He says that the parents are the ultimate judges of the work of schools, and he adds that "the whole and sole use of endowments is to influence, in other words to bribe, that judgment." That the parents must be judges in the long run I agree, but in such a matter as education the run may be a very long one, and the judgment of parents may be, not bribed, but legitimately influenced by the spectacle of a school unpopular for a time, but justifying itself by success. Now, the temporary unpopularity would ruin and destroy a private school, but the endowed school can bear up against it, and, if sound, will win its way. The private school may be sound, but must be showy. The endowed school can afford to dispense with show till such time as its principles have been fairly tried. And this power, valuable at all times, seems to me peculiarly valuable in a time of change, when the old staple subjects of instruction are very largely encroached on, and other subjects are claiming admission on equal terms, or asserting, as Professor Huxley asserts on behalf of physical science, a paramount right over all rivals.

Having now reviewed the principal doctrines and arguments on this subject, I am in a position to state the two simple principles which should be established with respect to foundations.

The first is, that the public should not be compelled to take whatever is offered to it, but should here, as in other countries, have the right of considering whether that particular use which the founder has fancied shall take effect, or whether the property shall be turned to some other public use, or given back to private uses. In short, that if the public is chosen as a legatee, the legacy shall be, as it ought to be, an unconditional one. Of course, the public would speak through some tribunal constituted for the purpose, which would probably act on principles not rigidly defined, but not difficult to understand. A certain deference should be paid to the donor's wishes, so that they, or something akin to them, should have priority among claims of equal, or nearly equal, urgency, but they should never be allowed to interfere with the public welfare. As this principle would operate on the future, I do not see why, if accepted, it should not be *applied with* great freedom.

Some who recognise the absurdity of compelling the nation to take whatever terms are offered to it, have thought that there should simply be a power of rejection, leaving the property to go as in case of intestacy. I think, however, that there would be much more likelihood of justice being done, or rather of reasonable expectations not being disappointed, if it were left in the hands of a public office, to dispose of the property in all cases. The same generous consideration which the Crown now exercises in certain cases of intestacy, would be exercised when, as in the cases of Jarvis and Tancred, a man had disappointed just expectations for the gratification of base passions.

The second principle is, that the grasp of the dead hand shall be shaken off absolutely and finally; in other words, that there shall always be a living and reasonable owner of property, to manage it according to the wants of mankind. This, again, must be a public tribunal, charged with the duty of adjusting to new objects all foundations which have become pernicious or useless. This principle, though in my judgment the very salt and savour of foundations, and absolutely essential to preserve them from corruption, would, as affecting the past, require to be applied with great reserve, delicacy, and tenderness. Local interests and feelings must be carefully ascertained and consulted, and occasionally even efficiency postponed for the sake of conciliation. There would, however, be strong ground to hope that, if steadily pursued for a length of time, the living principle of using property so as to benefit mankind would, with the assent of the great majority, prevail over the deadly superstition of blind obedience to the commands of the dead.

We are, indeed, told by way of objection to such proposals, that if people are to have their gifts interfered with by the public, they will not give to the public.

* The strongest reasons to be urged against strict settlement apply with less force to ordinary marriage settlements; and there are reasons in their favour. I believe, however, that they are not found necessary in any country but this; and I cannot help thinking that they may hold a different position in this country when we have got rid of our barbarous laws relating to married women, and have adopted some more civilised regulations. Still, as a rule, they are dictated by motives of prudence, and not by love of power, and their propriety is to be discussed on considerations foreign to my present purpose.

† "Endowment or Free Trade, by the Right Hon. R Lowe, M.P." Bush, 32, Charing-cross. See also an admirably-written criticism on Mr. Lowe's Pamphlet in *Macmillan's Magazine* for April, 1869.

To this I answer, first, that it is a pure guess without proof or probability. In other countries, people are not deterred from giving to the public by the knowledge that when they have given they cannot themselves remain owners of the gift. In this country, people do leave absolute legacies to private persons, though the legatee may divest himself of the property the next day, or use it in a way the testator would highly disapprove of. The objection assumes that the donors of property to public uses are the most suspicious, narrow, and unreasonable of men; that they will persist in thinking that they can foresee what is good for the future better than their successors can see what is good for the present; that they cannot bear to be fairly forewarned that each generation will insist on using property for its own good. But if we are to guess on this subject, I prefer to guess on grounds which are at once more probable and more creditable to human nature. It is more likely that the spectacle of large charitable funds, creating no scandal, but thoroughly well administered by each generation for its own best interests, would induce noble and reasonable minds to give more freely than at present.

But there is another answer, more important and conclusive. If people will not give freely and generously; if they will not really give; if they insist on only pretending to give, while all the while they are stipulating to remain owners themselves selves, then say I, "Let their money perish with them!" It is such false gifts as these which have created the scandals and the demoralising character of so many of our charitable institutions, or at least have prevented their improvement. They are like the gifts of malignant spirits of which the old fairy tales tell us; they look like gold, but turn to something foul in the handling. They are fatal. Let us have no more of them. We have too many already.

Another objection touches on a subject on which very few can speak plainly without giving offence, and, though not intending any offence, it is unlikely that I should be among the happy few. It is asked, as though the question were unanswerable, whether a public tribunal shall interfere with foundations for the support of opinions? The opinions for which foundations are established are usually of a theological character, and it is thought that foundations for this purpose are more valuable and sacred than others. Now, as to their being more valuable, I will not hesitate to say that foundations attaching endowments to the holding and teaching of prescribed opinions are (if they are to be unalterable) the very worst kind of foundation that can be conceived; for experience shows that the opinions to which men have attached property change and become extinct, sooner or later according to their depth and force, and then you have a direct premium on profession without belief. But that which tends to corrupt the noblest part of man, the very eye of the soul, his perception of truth, is as evil a thing as can be imagined. Suppose, for instance, that a large estate had been settled in the 16th century for maintaining the geocentric theory of the universe. It was believed implicitly; it was supposed to rest on the clearest testimony of revelation; to doubt it was impious. One or two in the pride of their wayward hearts had dared to express an opposite opinion. What more pious than to found a college for teaching this vital truth, which lay at the bottom of so many other beliefs about man's relations to his Maker? Suppose, then, that this had been done, and that now, when every child at a national school knows the contrary, solemn lectures were delivered to show that, in some sense or other, astronomical, metaphorical, or mystical, the sun travelled round the earth. This would be something like the Walloon sermon at Norwich, which nobody understood. But is any public authority to interfere with so degrading a mockery? Sir F. Palgrave would say, "No, you cannot interfere with the authority of the founder." I venture to say, Yes you can, and you ought. As long as any man believes any opinion whatever, let him proclaim it without molestation from the housetops. But to allow that property shall be devoted for ever to bribing people into teaching what they do not believe is monstrous.

I have put an hypothetical case; let me refer to a real one, which has been mentioned before.* It is that of a gift to propagate the sacred writings of Joanna Southcote. In that case, if the property had not luckily all vanished, we should now have a chapel or a lecture-room, with a paid preacher proclaiming aloud as true what neither he nor anyone else believed, and there would be no power of interference unless by special Act of Parliament. For this trust is to propagate the writings; the act is, as it should be, a lawful one; and as long as it is done (whether by preaching or printing does not much signify) the trust is duly performed. But that there should be no legal means of putting an end to such a trust is a great defect of our law.

Now, the number of foundations made to maintain theological opinions in this country is enormous. Some of the trust-deeds are very minute as to the tenets to be believed. I quote from one which has been quite recently in my hands. Those who benefit by this foundation are to believe and teach:—"The one only living and true God, the Creator and Upholder of all things; the Scriptures of the Old and New Testament as the Word of God and the only rule of faith and practice; the doctrine of the Trinity, including the Deity and distinct personality of the Father, of the Son, and of the Holy Spirit; the doctrine of original sin, and the entire depravity of human nature; eternal and personal election; particular redemption; atonement for sin by the death and sacrifice of Jesus Christ; justification by his imputed righteousness through faith; the necessity of regeneration and sanctification of the Holy Spirit; of repentance towards God and faith in Jesus Christ in order to salvation, and the final perseverance of the saints. Also believing that baptism by immersion only, and the Lord's Supper are to be administered to such alone who profess faith in Christ, and whose conduct is consistent with such profession; that the law of God is a rule of moral conduct to believers; that there will be a resurrection of the dead, both of the just and the unjust, and a day of final judgment, and that the wicked 'shall go away into everlasting punishment, but the righteous into life eternal.'" This deed was framed in the year 1836. Here are contained a great number of abstruse doctrines, as to which it is quite certain that the people really interested in the foundation will change their minds. I suspect I could point out one as to which they have changed their minds already. Such changes have frequently occurred, and have led to severe litigation.

A rough though wise method of stopping a number of lawsuits was devised in the Dissenters' Chapels Act, which secured the possession of congregations who had drifted away from the original tenets of the founders, and whose expulsion was sought by orthodox representatives of those founders. But it seems to me that it would be more wise and statesmanlike to engraft into the law powers to adjust these deeds from time to time, according to the true needs and beliefs of the community among whom the foundation was intended to work, and had always been working, so that if they came saying "Here is a doctrine which has dropped out of our real creed, we say nothing about it, but we should feel easier if relieved from any legal obligation to hold and teach it," relief of that sort should be granted to them.

Where a foundation is acknowledged to be national, it is agreed that, on adequate cause being shown, the creeds and formularies shall be altered. Establishments co-extensive with the nation are indeed such vast and important machines, that it is right that no alteration should be effected in them by any power short of the direct action of Parliament. But that Parliament may make the alteration is

* Lecture, pp. 4, 5.

doubted by no lawyer or statesman, and by not many ecclesiastics. The right of Parliament (as distinct from its power) to vary the terms of private theological foundations would be seriously disputed. The Church of England has a code of doctrine much more extensive than the private one I quoted just now. But at this moment there is a strong and growing desire for revision of the Liturgy and Creeds; and I need not refer to their effective revision at former periods of our history.

I, therefore, can see no reason why foundations for the maintenance of opinions should not be placed on precisely the same footing as other foundations.* To the truth or falsehood of the opinions themselves no human tribunal ought to have anything to say. That must be left in the province of argument and persuasion. But a human tribunal can easily ascertain whether events have occurred which demand an alteration. These foundations are subject to precisely the same incidents as others. The community among which they work may disappear altogether, or may cease to have any regard for the opinions; and then the foundation is useless. It may be impossible to find even one teacher who really believes them; and then the foundation is corrupting and immoral. In all such cases there should be, as in the case of almshouses, schools or doles, a power of adjustment to the changing circumstances of the day.

And now I have performed the task which I undertook, viz., to point out the objects at which we ought to aim. While stating my reasons fully, and illustrating them by examples, I have dwelt only on general principles; I have only exhibited in another phase my maxim that property is not the property of the dead, but of the living. In my opinion the law should be altered to admit this maxim. Into the details of any such alteration I have not attempted to enter. Probably meetings of this kind are at all times better suited to ventilate and discuss large general principles than the actual machinery by which they are to operate; and certainly at this opening stage of the question, when I find my general principles simply ignored by the bulk of men, and denied by the great thinker whom I have endeavoured to controvert, it would be mere waste of time to enter upon the intricacies of a legal reform.

But things are not well with us in this matter of foundations. For some reason or other, they will not work. The machinery is attended with enormous friction in the shape of labour and cost, and then turns out evil work instead of good. It is like the princess in the fairy-tale on whom a curse lay, so that when she tried to speak there came forth only toads and asps. Go into any town where charities abound, and ask there what effect they have. You will be told that they do mischief; and the chances are that your informant will add that it is a pity they are so abused. But let us not lay that flattering unction to our souls. Abuse is not what we have to complain of; it is the system, or rather the anarchy and want of system which we permit, and which is rotten to the core. We have suffered ourselves to fall in bondage to the speechless clay. The time was,

> "That when the brains were out, the man would die,
> And so an end: but now they rise again,
> And push us from our stools."

We must have recourse to simpler and healthier principles. Reflection and experience have brought my mind to the conclusion which common-sense would seem to dictate, that living men should be allowed to dispose of the fruits of the earth for their own good, according to the best of their own judgment. This is so simple that it seems like a truism. It is so simple that we might expect it to be accepted as soon as stated, if we did not know how hard it is to gain acceptance for any truth that conflicts with established custom. Other simple truths have only obtained recognition through struggles well-nigh desperate; they have encountered, in fiercer times than these, oppression and persecution; they have been called wicked, impious, revolutionary, atheistical; and if there be any other term of obloquy it has been lavished on them. Freedom of person, freedom of trade, freedom of speech, freedom of thought, have all gone through stages of adversity more or less cruel. But they have passed on to victory, and are now taken as the plainest axioms of common sense, and as the cardinal points of human prosperity and happiness. I will make bold to augur the same success for freedom of property; with what amount of struggle remains to be seen.

DISCUSSION.

Lord LYTTELTON regretted that other engagements would prevent his remaining throughout the discussion, but was anxious, before he left, to express his general agreement with the principles and doctrines laid down by Mr. Hobhouse, the more so on account of the peculiar position in which he and that gentleman stood with respect to one important branch of the subject under review —being two out of the three commissioners appointed to carry into effect (should it pass into law) the Endowed Schools' Bill, under which they would have very large powers indeed of carrying out the principles now affirmed by Mr. Hobhouse. Under these circumstances, he felt it incumbent upon him to state clearly and *publicly* the manner in which he should feel it his duty to use the power committed to him; while, at the same time, he could but repeat a doubt, which he had already expressed, whether the government would act wisely in entrusting such large powers to men who were already publicly committed to the manner in which they would exercise them. For this very reason he at first declined the Chief-Commissionership under the Act, and he still doubted whether the managers of endowed schools had not some cause of complaint in not being placed under the control of men of less pronounced views on this subject than himself (who had taken so prominent a part in the Schools Enquiry Commission) and Mr. Hobhouse. Be that as it might, it was certainly only fair that managers and governing bodies, and those who had more respect for founders' wills than either himself or the gentleman who had read the paper, should be fully aware that, if they were to be allowed to do what they certainly would feel it their duty to attempt, in very many cases the "pious founder" would go to the wall. Whilst saying this, however, he desired at the same time to guard himself from being supposed to go quite the full length to which he understood Mr. Hobhouse would carry *them*. He was quite prepared to say that, after the lapse of a certain time, the mere will of the founder ought to be entirely disregarded; but he did not agree that with regard to almost all bequests, both public and private (and not merely in extreme cases, in which the law would now intervene), if in the opinion of legal *tribunals*, or of those who immediately succeeded the deceased person, a better application of funds might be made, under certain conditions, the law should have power to do so. That, in his opinion, would have the effect of destroying bequests altogether, and seemed rather too chimerical for adoption. He was quite prepared to advocate such a

* It is an opinion which I have not discussed here, as not deeming it practical enough for the present occasion, but it is well worth considering whether the difficulties attending foundations for opinions are not such as make it more expedient to prohibit them altogether, except national ones so constituted as to be kept constantly in sympathy with the nation at large, and that they should dispense with doctrinal texts as far as possible. I have lately been told by a very eminent member of a dissenting body that, in his opinion, the attachment of property to opinions makes great mischief. It is remarkable that Ignatius Loyola should have been highly apprehensive of the effect of endowments. He forbade his followers not only to solicit gifts, but even to sue for them if made by a testator and refused by his executor. His object, says a follower of his, was that he wanted to keep the cleverest men in the body, and feared that endowments might be the means of depriving it of its brightest members. He had deeply pondered over the greatest contest that ever took place, between men bound by endowments to a set of opinions and others who were unfettered, and knew on which side the energy was, and why. See the evidence of Mr. Trappes, given to the Mortmain Committee of 1844.

change in the law as would assimilate the conditions affecting bequests to public uses to those made to private uses. There might be good reasons for supposing that dispositions to private uses might in many cases be just as mischievous to the public as ill-arranged bequests to public uses, but yet the law would not interfere, and say, we shall do something better for your family than you would have done yourself. He was quite prepared to say that, whatever the law said with regard to bequests to private uses should also be said with regard to bequests to public uses, but he could not see his way to going further. He must say also that he thought Mr. Hobhouse had exaggerated the state of public opinion on this subject, and treated it as being more backward than it really was. He apprehended it was now many years since an attack had been made on the doctrine of the absolute sacredness of the very letter and spirit of ancient bequests. If he was not mistaken, in the Appendix to the Report of the First University Commission, there was a paper by Mr. Dampier, laying down almost the same principles as those upon which Mr. Hobhouse proceeded, and there had been no public inquiry since which had not assumed as possible a greater or less deviation from the founders' wishes. It had certainly been laid down, to his knowledge, in the evidence of very many able men, and papers had been read upon it by the present Lord Chancellor (before the Association for the Promotion of Social Science), by the late Mr. Senior, and by many others. He believed Mr. Mill was not so much in error as Mr. Hobhouse supposed, in saying that we were near the introduction of a sounder system.

Sir CHARLES TREVELYAN, who regretted that he had not had the advantage of hearing the whole of the paper, said he feared that justice was hardly done to the ancient founder, of whom so much was said, and that when they were spoken of, as was often the case, as "pious founders," the expression only scantily covered the satire beneath. It seemed to him, however, that so far from having been behind their age, these men were really as a body in advance of it. Of course he did not allude to the founder of the endowment for propagating the doctrines of Joanna Southcote, nor was it necessary for his argument to refer to such men as William of Wykeham, or Chichele, or the other great men who adorned the list. As a body he believed they were in advance of their generation, being actuated by a more than ordinary public spirit, and that it was scant justice to judge of them by the enlightenment of the present age. The *cy-près* doctrine, properly interpreted, would, he believed, meet the case. The law ought to regard the old founders of Plantagenet and Tudor times, and even of the last century, as if they lived in the present day, and had been desirous of acting according to Christian charity as the best men of the present generation would. This was merely another form of putting Mr. Hobhouse's argument as he understood it, and although he had not heard the whole of the present paper, he had the advantage of hearing the first one, and, when published, he paid it the unusual compliment of reading it three times. He did not hesitate to say that in future Mr. Hobhouse would be regarded as a "great founder," in consequence of his development of a new principle in the treatment of endowments in a series of treatises, which probably would be considered as the great authority upon the subject.

Mr. J. G. FITCH desired to corroborate, from his own limited experience, some of the observations of Mr. Hobhouse, particularly with regard to educational endowments. In the memorable paper by Mr. Mill, to which reference had been made, there was one argument, the fallacy of which had been curiously illustrated within his own knowledge. Mr. Mill seemed to think that a certain amount of independence and originality was absolutely necessary in teaching; and that educational endowments were, in a certain sense, a guarantee for greater variety and liberty of teaching than would otherwise be found. That was an exceedingly plausible argument; and, if the fact were so, he should feel it to be the strongest possible reason for the maintenance of endowments. As one of the assistant-commissioners on the recent inquiry, however, it had fallen to his lot to see above 120 endowed grammar schools, and he could only say that, out of the whole number, he did not find one single instance in which a new, original, or valuable system of education was tried, in obedience to the founder's will. If he had seen such a thing, he admitted it would have been a strong argument against many of those put forward in Mr. Hobhouse's valuable paper; but the truth was that the schools were, as a rule, all of one type, and that a bad one. The only influence of the founders upon the organisation of the schools, their aims, methods, and purposes, was purely negative and restrictive, saying—"You shall not teach this, you shall not charge certain sums, you shall not elect masters unless they possess this and that special qualification." The influence of founders upon education had been rather to repress and forbid originality of method than to encourage it. In Yorkshire, Durham, and Westmoreland, that proposition might, he believed, be stated without fear of contradiction, and he had found that educational endowments were often quite as mischievous where the intentions of the founders were honestly and carefully carried out as where they were abused and violated. He could mention one little village in Yorkshire, which he had recently visited, containing not more than 800 inhabitants in the three townships of which it consisted. There was an endowment which now realised nearly £2,000 a-year, which was most honestly administered in exact obedience to the will of the founder. The first provision was that there should be an almshouse for six old people, who were all to be chosen from the village. Then there was to be a boarding school, in which twelve children from any of the townships were to be boarded and educated, and there were also to be three dames' schools, one in each township. In all these the children were to be educated gratuitously, and there was an apprentice fund for the boys who left the principal school. The trustees had been extremely anxious to get as good a school as they could; but how had they succeeded? The education was entirely free, and in other villages, where there was no educational endowment, where the schools were inspected, and where the children paid ordinary fees, the state of education was much superior. None of these masters or mistresses were certificated, and they were not, of course, responsible to anybody but the trustees, whose only wish was to carry out the founder's will. The children were far less regular in their attendance than where they paid for their education, and yet there was no room for any other school in the village, because this one had provided so abundantly for it. The six old people in the almshouse and the twelve boys went about with a large R embroidered on their shoulders, the founder's name being Read, and one of the conditions of his will being that, to the end of time, all the recipients of his bounty should have his initial conspicuously embroidered upon their shoulders. He would ask how long that sort of thing ought to go on, and whether Mr. Read had not by this time had a sufficient return for his investment; and whether he was to be permitted to go on demoralising people, lowering the standard of education in the village, and wasting £2,000 a-year much longer? In truth, no one could be more sensible than those who inspected schools of the importance of encouraging liberty, independence, and variety of teaching; if there was one thing which was feared more than another in connection with Mr. Forster's new Bill, it was that there might possibly be some central authority which would impose a cast-iron system of instruction upon all schools alike. He did not think there was much reason to fear even this, but it was a danger to be most sedulously guarded against. The more of original thought, love, and enthusiasm they could enlist in the business of teaching the better, but they must not fall into the error of supposing that any

of that enthusiasm or ability had been encouraged by endowments. He had not the least hesitation in saying, in spite even of the high authority of Mr. Mill to the contrary, that it would be difficult to find a single instance in which the principle of endowments had done anything to promote new, or original, or improved methods of education.

The CHAIRMAN said that, as he had important duties to attend to elsewhere, he would ask to be allowed briefly to make a few comments upon the paper which had been read, before vacating the chair in favour of some other gentleman. He should entirely agree with Mr. Hobhouse that there had been, and probably would continue to be, a great deal of abuse in the administration of public charities, and that it was desirable to have, he would not say greater power over them—because theoretically the power existed—but to have better means of applying that power which they possessed. He should also admit that, in many cases, they had been unduly and even superstitiously scrupulous in endeavouring to enforce the exact conditions imposed by founders long ago, under circumstances and in times when those conditions had become obsolete and useless. Looking at the matter in that point of view, he fully admitted the value of discussions such as the present, as being likely to call attention to a subject which undoubtedly had not received as much notice as it deserved. But at the same time he was sure Mr. Hobhouse would excuse him for saying that he thought he had had his attention chiefly directed to the abuses which existed in connection with charities, and that those endowments which called for interference would be naturally those which would come most prominently under his notice, thus leading him to take some rather extreme cases, fairly enough if taken as extreme cases, but scarcely so if taken as a sample of the whole. He also thought that he had, to some extent, combated opinions which were no longer prevalent; for instance, he had quoted the evidence given by Sir Francis Palgrave six-and-twenty years ago, which seemed to go the length of saying that, however absurd and useless an endowment might be, the state had no right to interfere with it. He did not know whether Sir Francis Palgrave would have accepted that construction of his evidence, but even although that might be the view taken by a learned and able man, whose tastes had led him mainly to antiquarian pursuits, still that was not the view generally taken, or one which needed refutation at present. No one could contend, with any show of reason, that there was not a right inherent in the State to interfere in the case of a charity which was abused. In point of fact, by one machinery or by another, that power had constantly been exercised, and the only question was, to what extent was it desirable to exercise that right, and what were the cases in which interference should take place? There was, however, a wide difference between admitting that right in cases of abuse, and asserting the doctrine that if a man left money to the public at all, he must either hand it over entirely to the disposal of the State, to be spent in any way the State might think fit, or to the equally uncontrolled disposal of some possessor who might do with it that which the testator did not at all intend. Such a theory would, he believed, if acted upon, inevitably have the effect of preventing all endowments for the future. A man did not, as a rule, give his money to the State or to the public at large. The good he aimed at doing was generally local good, and the reward to which he looked was that of being locally remembered as a benefactor in the place in which he had lived, and where he hoped that his descendants would continue to reside. On the whole, that was not an objectionable feeling; if there were some better motives, there were many worse. It was easy to dwell upon cases in which persons left their money away from their families or relations from motives of ill-will; but that was not an argument against leaving money for public uses, because if a man were actuated by such motives he had always the option of leaving his property to some friend or casual acquaintance; and to counterbalance these cases, bad as they were, undoubtedly, they must consider the instances in which large bequests had been made by individuals who were childless, and upon whom there were no strong personal claims. Probably, most persons who had given any attention to this subject had known some cases of this kind; he had one or two present to his mind, and it was not easy to see what better disposition of property could be made in such circumstances, than leaving it for some well-considered scheme of public utility. Even taking examples adduced in the paper, it was evident that no very extreme remedy was required. The first, and probably the worst, was the Jarvis endowment. That was said, and no doubt with truth, to have demoralised the population of three parishes. But why? Because the sum to be given away was utterly disproportionate to the reasonable requirements of charity within that area. It seemed to him that a liberal application of the *cy-près* doctrine would perfectly meet the case, by extending the area over which the fund was to be distributed, and limiting the mode of its application to purposes of undisputed utility, such as the establishment of village hospitals or schools of a better class than those which the population of a rural district could provide for themselves. In this way, the bequest would, in the main, retain its local character, and be applied in furtherance of what seemed the reasonable wishes of the founder. With regard to the Abbott endowment, no doubt the endowment for the resuscitation of trade in his native place was money thrown away, but it was worth notice that the mistake made in that case was, under the actual existing law, discovered, and to a certain extent remedied, if he rightly understood, within a few years.

Mr. HOBHOUSE said there was an alteration made in twenty years, but owing to the *cy-près* doctrine the new plan was as bad as the old one, and it went on for 200 years.

The CHAIRMAN said that only showed that the application of the money was not so irrevocably fixed by law as it seemed to be contended. It was quite possible that those who diverted the fund from its original purposes did not make a good choice, but at any rate it showed that a power of control existed. With regard to the third case, that of the founder who left his money to the bell-ringers under very peculiar conditions, he did not think there was much doubt that, if it had been considered worth while, a bequest of that kind could have been set aside on the ground of insanity. With regard to the fourth case, that of the school where reading might be taught but not writing and arithmetic, no very great deviation from the founder's will would be required in order to say that the school should be retained, that absurd and fantastical rule being abolished. Generally, he would put it in this way, that the State might and ought to have power to absolutely sweep away any charity which, by lapse of time or change of circumstances, had become positively mischievous, and it might also, he thought, fairly use its own discretion in diverting to other purposes endowments the object of which, although not mischievous, had ceased to exist. For instance, at this moment he believed there was a fund in existence, and constantly accumulating, for the ransom of prisoners from the Algerine pirates. In such a case the State might fairly step in and say what was to be done with the money. In one respect he would go even further, and tell founders plainly that they could not, in matters of detail, make perpetual regulations, and therefore they should not attempt to do so. It was absurd to suppose that a man in founding a school should regulate to all time what should be the dress and food of the scholars, and the pay of the masters and teachers. Yet such things had been attempted continually. Subject, however, to such restrictions, he thought they ought, as far as possible, to carry out the desires of the founders. If they

wanted to have endowments in future—and he must say he considered them a sign of public spirit—they must recognise the will of the founder as finding the main design, leaving to the State, or to any authority appointed by the State, the power of modifying details where necessary. He did not desire to say anything on the difficult question of endowments in support of special opinions, but he apprehended that in general the theoretical difficulty of dealing with such cases would be greater than the practical one. All would agree that it was absurd to maintain in perpetuity an endowment for the support of some opinion which might not perhaps have a single adherent, but in such a case the evil would remedy itself, because if the sect died the funds would lapse, there being no one to claim them; whereas, as long as it lived there would be persons entitled to the money; while in the more usual course of a split into several divisions, the question would probably be decided in a court of law. There was one other point of some importance which had not been touched upon. All agreed that, as a general rule, it was not desirable that landed estates should be perpetually tied up in the hands of public trustees or for public purposes, and it was a matter, at least worth consideration, whether it would not be well in future to impose upon all founders beforehand some particular manner in which the endowment should be invested. If they continued to allow any individual to dispose in perpetuity of a sum of money, as at present, it did not seem any unreasonable limitation to insist that the capital should only be invested in one way, namely, in the public funds. Of course, it would be a difficult thing to apply such a rule to charities or endowments already existing; but, with regard to future endowments, he saw no hardship in such a proposal. In conclusion, he would say that, whether or not all his auditors agreed in the principles laid down by Mr. Hobhouse, there could be only one opinion as to the thoroughness with which he had investigated the subject, and the clearness with which he had brought forward his conclusions.

Mr. EDWIN CHADWICK suggested that, as there were many gentlemen anxious to speak upon the subject, the discussion should be adjourned. He moved that the discussion be adjourned to Friday morning next, the 9th inst., at 11 a.m.

The Rev. WILLIAM ROGERS seconded the motion, which was carried unanimously.

The adjourned discussion was resumed on Friday morning, July 9th, at 11 a.m., the chair being taken, in the absence of Lord Stanley, by Mr. HYDE CLARKE, D.C.L., Treasurer of the Society of Arts.

Mr. EDWIN CHADWICK, C.B., said—The proceedings at the last meeting appear to me to have an importance as a precedent, *dehors* the matter of the important paper we are met to discuss. Great powers for the public service are to be charged upon a new commission—a new triumvirate. Anxiety was expressed in Parliament to know into what hands the powers are to be entrusted. The wish was a natural one, though it might be strongest on the part of persons whose anxieties would be mitigated if they perceived that those new powers of reform fell into hands that were feeble or torpid for their execution. Disregard of the need of special aptitudes, recklessness of the existence of positive inaptitudes for the exercise of new and important functions, is a too common political vice. The public have yet to be told of the extent of mischief and of waste occasioned in the administration of the new poor-law, in the new health laws, and in the administration of the funds for the advancement of elementary education, by public duties being entrusted to persons who are uninformed, or half informed, as to the principles of the measures with which they have been entrusted, or who were apathetic, or positively antipathetic to them, or to anything but the official salary or position, and who have cloaked the imposture and evasion of principle by the guise of superior judgment and moderation. It is, therefore, highly refreshing to have a precedent set of commissioners-designate coming forward before their appointments are confirmed, and expounding clearly, and in a manly way, the principles and views upon which they are prepared to act, and courting discussion upon them. I believe that those who are interested in the subject, and have heard the elaborate expositions that have been read to us, and the frank declaration of the noble Lord (Lyttleton), will be of accord with me in the impression that the government, and Lord de Grey, and Mr. Forster are to be congratulated on the sound and honest appointments made for the new service. The slow progress of opinion against sinister interests in respect to charitable endowments is melancholy to contemplate. To what he has said from observation of them in his office, I may add more from observation of them in administration on the spot. In 1833, under the Poor-law Commission of Inquiry, in the investigations of the modes of relief prevalent throughout the country, we met with charitable foundations everywhere in old urban districts, and everywhere found their operation and tendency to be to create the misery they were intended to relieve, and that they did not relieve all the misery they created. Of this opinion was our chairman, the late Bishop of London (Blomfield), and also our colleague the late Archbishop of Canterbury (Sumner, then Bishop of Chester), whose opinions on "charities" may be seen in an article on them which he wrote for the "Encyclopedia Britannica." In my own report of the administration of relief in the metropolis will be found a graphic description, which I got the Rev. W. Stone, the then Rector of Spitalfields (now Canon of Canterbury) to give from practical observation, and which is now typical of the sort of population these endowments created in his parish, in the life of one of them, born in charity, nursed in charity, fed in charity his life long, doctored in charity, and, after a wretched life, buried in charity. If the principles settled in our report, with the concurrence of the eminent prelates, our colleagues, had had due support, these charities would not now have been in question, and a growth of heavily burthensome pauperised part of the population would have been prevented. For myself, I took occasion to endeavour to recal attention to the subject through the Law Amendment Society, and again in a paper written for the Newcastle Commission of Inquiry on Elementary Education. But my most efficient colleague of the Poor-law Commission of Inquiry, the late lamented Mr. Senior, availed himself of the knowledge he had acquired on that commission, and displayed the evils of these charitable endowments in a chapter of the Report of the Newcastle Commission, in which they recommended that those funds, now expended mischievously, should be applied. But the commissioners' conclusions were summarily set aside by the then Vice-President of the Committee of Council on Education, Mr. Lowe; and the state of feeling, or of opinion, or of interest—in the House of Commons—was manifested by the dealing with Mr. Gladstone's measure, which would have set aside the exemptions of charities from taxes—exemptions which make the State contributory to every kind of voluntary, and unauthorised, and irresponsible endowed mischief and absurdity. The evidence of the evil arising from absurd and maladministered endowments surges up again before the Schools Inquiry Commission, and they re-urge them, with the additional evidence of law lords as to the unfitness of the Court of Chancery to deal with them; and it is creditable to Lord de Grey and Mr. Forster that they have adopted and brought forward provisions for dealing with them. But, so far as it has gone, the Endowed Schools Bill furnishes, I am sorry to state, an illustration of the

statement I have had occasion to make as a matter of fact, that no large measure, partaking of a character of legislative, administrative, or economic science, ever goes through Parliament that does not come out worse than it went in—and this measure is already emasculated in respect to the provisions for dealing with endowed charities. It is not, however, so much to simple ignorance of economic science that this persistent opposition in Parliament is ascribable, as to the prevalence of sinister interests in the endowed funds, as means of local political bribery and corruption. Both sources of opposition will have to be confronted for the progress of technical and popular education, for unless these endowments—now worse than wasted, estimated as to charitable doles at more than a million of money (more than equivalent to the annual grant for elementary education) —are allowed to be applied to provide a national education, which would otherwise be unnecessary in most old districts, provision will have to be made by the dreaded additional rates and taxes—really dreaded means—in this instance of large economies. In so far as relates to the pure ignorance of economic science, I have observed it is as if we were going on with a perpetuity of foundations of hospitals for the alleviation of marsh diseases, with a perpetuity of disregard of the antecedents of the diseases, and neglect of the marshes whence the diseases originate. We have a moral stagnancy, or marsh condition, as well as a literal one, to remove by a better administration, by the removal of stagnant endowments, and by training and education. The more you examine this branch of administration, however, the more laborious is the circumspection it is found to need to conduct it with safety. Administration upon exceptional cases, or upon immediate impressions, is generally fatal. You must regard not merely the collateral as well as the direct, and the ultimate as well as the immediate results of what you do. Sir Charles Trevelyan gave way to an excess of founder-worship in the case of William of Wykeham, but that founder provided for his own kin. To a proposition of mine for the disendowment of all such by the general application of the principle of open competition, I had the hearty support of the late Archbishop of Dublin, Whately, who stated the fact that, at Oxford, to say that a man was of "founder's kin" was equivalent to saying that he was a numskull. William of Wykeham could not have foreseen these remote consequences, or he would have forborne to dispose of his property in such a way as to tend to make all his kinsmen numskulls to the end of time. Sir Charles Trevelyan, not having given special attention to the subject, is excusable for not being aware of the ultimate consequences of such a foundation, but a charity commissioner may be bound to see them, and would be inexcusable for not providing against them. The Court of Chancery is given up by good equity lawyers as unqualified, for want of qualification, to decide properly on schemes for the administration of charitable foundations. The stream of decisions of the courts of law upon poor-law cases involving points of administration are generally bad law, and are so for this reason—that to enable those courts to decide correctly on principle you must possess them with the information contained in several volumes of reports—which, in practice, cannot be done. For safe administration it is necessary then to constitute a special authority, with securities for the special aptitudes of the administrators for their giving their undivided attention to the subject—and to make such self-acting arrangements as shall bring constantly within their cognisance the experience of the whole field for their guidance. Such an authority would have been the Poor-law Board, had the original intention, with its assistant-commissioners, been duly executed, giving constant local examinations; and, indeed, as it is, it is now more fit than the superior law-courts for the decision of all questions arising on the means of relieving the indigent. Such an authority will be found in Paris, where the whole of that metropolis is placed under one administration, conducted by superior executive officers, presided over by M. Husson, of the Institut, and supervised by a *Conseil de Surveillance*, composed of high officers of state, representative men of long administrative experience. The results of this arrangement are notable. Here, if a wealthy lady were disposed to found a hospital, she would recoil from the idea of entrusting its administration to any local authority, such as a vestry or a board of guardians, from whom would be expected every variety of *nonfeasance*, *misfeasance*, or *malfeasance*, or waste. She would be driven to constitute a private special trust for the purpose, and we know how unfortunate the eventual administrations of such trusts commonly are. There, in Paris, she voluntarily and confidently confides it to the *Administration Générale de l'Assistance Publique*. I have had sent to me its administrative account for the year 1866, in which there are accounted for one hundred and thirty legacies and donations, amounting to upwards of a million and a-half of francs, besides sixty-three gifts, most of them with special objects, confided to the care and discretion of the administration. I have been assured on good authority in Paris, that the administration deserves public confidence, and the large streams of voluntary donations confided to it are decisive of the fact that it possesses it. In my own observation of charitable foundations, though the motives of some of the founders are obviously base, though the means selected of doing good are too commonly foolish, I cannot but deeply respect the general motive—sympathy for human misery, and a desire to contribute to its relief. *Res est sacra miser.* Nevertheless, I say as a police commissioner of inquiry, that if you would prevent crime—if you would stop mendicity, which is the great seed-plot of juvenile delinquency and habitual adult crime, you must give authority positively to punish indiscriminate alms-giving. In other respects, competent authority should be given to guide and aid private beneficence, in respect to which I agree with Mr. Mill; and in answer to the request of Mr. Hobhouse for an instance where any endowment has been productive of any addition to science or human knowledge, I have to say that, in the nature of things, such examples are not likely to be found in the fields most in question, the fields with which he is officially the most conversant, of parish or borough foundations; but I believe it may be said that, but for the foundation of the professor's chair filled by Adam Smith, which gave him the leisure and the inducement, we should not have had "The Wealth of Nations." But for the professor's chair of jurisprudence at University College, which gave to Professor Austin the stimulus, from my knowledge of him, as a student under him, I do not believe we should have had "The Province of Jurisprudence Defined," the best contribution of our time to the science of jurisprudence. But for what was practically a foundation, the professor's chair at the Royal Institution, which gave to Faraday the means and motive, his great chemical discoveries might have been prevented by the necessities of occupation in gaining a livelihood in some inferior position. It may not be said that all the advances rewarded by medals and prizes in this institution —the Society of Arts—were the results of the medals, though some of them were; but from my observations of the proceedings of the transactions of the Academy of Moral and Political Sciences, of the Institute of France (of which I have the honour to be a member), it may be stated that very important treatises have been produced by the large prizes and endowments bequeathed to the Academy for its administration. When Mr. Mill said that the superstition in respect to founders' wills is gone, he is, I conceive, to be fairly understood as assuming it to be gone from the minds of the educated people, the readers of the publication in which he wrote. Incidental observations of his, which admit of qualifications, have, I may object, been presented at the expense of his main proposition, which is passed over without due notice. On the approach of a demand for compulsory education, with powers of rating for the better technical education

of the wage-classes and the lower middle-classes—wealthy men who have themselves received an education in which they glory largely from charitable foundations intended for "poor scholars" in colleges and universities, these men, most of them educated in foundations stolen from the poor, men whose rentals, without any labour of their own, are augmented by the advance of education and the skilled technical industry of the wage-classes, began to talk of the dignity of independence of rates or of anything of the nature of endowments for popular education; as if there were any public education of any amount anywhere in Europe that is not endowed in respect to buildings, professors' chairs, or otherwise. In this feeling of opposition Mr. Lowe chimed in, and it has been proved as pernicious in action as well as in writing. To him and to them, on the national elementary education question, Mr. Mill answers, as respects what he proposed as free-trade in education, that it is necessary that, "first, the consumer must have the means of paying for it; secondly, he must care sufficiently for it; thirdly, he must be a sufficient judge of it." "All the three conditions are signally wanting in the case of national education;" and who here can gainsay one of these propositions? To Mr. Lowe's declaration of "the incurable and inherent defects of endowments," Mr. Mill answers—"The abuses of endowments are flagrant, monstrous, and wholly inexcusable. But what funds, private or public, would not be a prey to malversation if the law took no notice of it, or if, though the law was what it ought to be, there was no individual whose interest, and no public officer whose duty it was to put the law in force?" To the objection to endowments as a bounty on idleness, Mr. Mill answers—"What is feared is, that the teacher's duty will be idly and inefficiently performed if his remuneration is certain and not dependent on pupils. The apprehension is well grounded. But where is the necessity that the teacher's pay should bear no relation to the number and proficiency of his pupils? In the case of an ordinary teacher, the fees would always be a part, and should generally be the greatest part of his remuneration." These are Mr. Mill's main propositions, and I venture to say that they are complete and conclusive. In respect to payments for results, I believe that I, long ago, first put forth that expression, in urging the need in education of making interest coincident with duty, for which purpose I proposed in respect to destitute children, that the teachers and trainers' emoluments should be made chiefly dependent on the outcome, that is to say, on the number who got into good places for productive employment, and who kept them. The general adoption of this principle in administration would work larger reforms than may really be imagined. I must observe that the Schools Inquiry Commissioners would have performed their task more satisfactorily in respect to the endowed grammar schools, if, instead of confining themselves to scholastic examinations within the four walls of schools, they had extended their inquiries to the outcome of them, as experienced by employers of the same in the counting-house or the manufactory. If they had taken that course, which is a comparatively short and decisive one, they would have found in respect to large and munificently endowed schools, of which the governors at public dinners boast the success to be so high and great as to set them above all question or inquiry, that the pupils would generally have been benefited by their entire suppression—if that were the only alternative; they would have found, if they had inquired in the merchant's or the banker's counting-house, or in the engineering establishment, that the arithmetic taught in *those great old* schools is commonly so wretched that it has to be unlearned and re-taught—that the useful modern languages are so taught as not to enable them to do what is required in writing a foreign letter; and that the pupil's time has been worse than wasted in learning badly dead languages, that might have been profitably occupied in acquiring the elements of living and profitable science. Such an inquiry into the outcome would have shown how much the grammar schools and our education are yet infected by that which deserves no better name than mediæval monkery and barbarism. Of this, an example was presented by Mr. Hobhouse, in the provision of Bishop Pursglove's foundation, in the time of Philip and Mary, who laid down as a condition that school-teachers, and, by consequence, the scholars, should be at work at their desks in the school eight hours daily during one part of the year, and ten hours daily during another. Those benighted monks or priests, not knowing that which was to be acted upon—the human mind—and especially the infantile mind, imagined that they had only to place the body before them under constraint, and that they might go on and on, as long as they could stand, pouring forth upon it whatsoever they listed, and that all that could be poured forth is imbibed and retained. It is only now beginning to be perceived that there are laws of the human mind—that the capacity of attention in young children has definite limits which cannot be transgressed without evil. The art of school examination is a new and recent art, by which you ascertain how much attempted to put in is really retained in the mind; and by the exercise of that art it is proved that, in the infantile stages, the capacity of profitable attention or of mental labour is exhausted in less than three hours daily. What monkish barbarism is it not then to go on as we are doing even now in the national and other schools throughout the country, keeping little children under six hours of daily sedentary constraint! Professor Bain, of Aberdeen, a leading psychologist, speaking of the grown youth at the University there, declares to me that he believes that they have there the hardest heads and the hardest workers in the kingdom, and that four hours of daily mental work is as much as is good for them. Ignorant of the law that a sound mind can only be maintained in a sound body, these benighted men of the cloister were reckless of the bodily as well as the mental injury done by so much sedentary constraint. This is a topic which appears to me to have been neglected by the School Commissioners, and that makes their report on the grammar and endowment schools to a serious extent one-sided. Neither do they seem to have been aware of what is termed a recent discovery of educational principle and administration, that the power of school teaching, in time, in economy, and in efficiency, is very much as the numbers. The consequence of this will be found to be to necessitate a common teaching in the elementary stages of the children of the middle classes, except in very populous districts, with the children of the wage classes, as in Scotland, else the children of the middle classes must be put to greater disadvantage or greater expense than they appear to be aware of. The persistence in the mediæval provisions of the subject-matters taught in most of the grammar foundation schools is as barbarous as the modes of teaching. We are wont to hear their founders praised as men in advance of the times in which they lived, and desirous of extending liberal education amongst the great body of the people. But when the conditions of the foundations are examined, it will be perceived that they were, for the most part, the work of the priesthood, and were instituted not for the people, but rather to sustain the clerical order, which could not be maintained from the surrounding savagery. The early introduction of music as part of the education in these schools is presented as an anticipation of a modern refinement, but it served to raise singers for the cathedral and church services. In the earliest times the extent of occupation with the dead languages was objected to. I concur with Professor Scott, late of Owens College, Manchester, who, in a lecture on the literature of the Middle Ages, quotes a letter written by our Anglo-Saxon King Alfred, and sent round to all the bishops and heads of monasteries. "Let us," wrote the king, "have learning with all speed put into English; let that be the first object of education; then let those that have leisure pursue their study of Greek and Latin." But it did not

suit the clergy to put that learning into English. Now, however, that there is more learning in the vernacular than was possessed in the classic periods—far more than there is time in any school or collegiate stages to master—now that the English itself, according to the impartial testimony of the great philologist Grimm and others, is the foremost language of all for cultivation as a mental exercise, are we, out of founder-worship, to continue these barbarous courses of education, not for the leisure classes, but for the industrial classes? In respect to the preparation of new and more fitting schemes, the Schools' Enquiry Commissioners evinced inexperience and a lack of administrative knowledge when they proposed that provincial authorities were the proper authorities to draw up schemes for education—that is to say, the authorities with the narrowest means of information? The commissioners might have seen the quality of such initiation in the common inferior quality of the educational schemes of amendment commonly presented to the Court of Chancery. Such a plan reduces the central authority to a judiciary, which, even if it be that of a special judiciary, will have only inferior means and responsibilities for the amendment of what is brought before it. No; the initiative, to be effective for what is required, must not be on the narrowest but on the widest information and experience in organisation. A properly constituted central authority is not the arbitrary, unreasoning, dogmatic, and irresponsible master the advocates for vestralisation assume, but is the servant of every locality as well as of the public at large, bound to collect the widest experience and professional knowledge and skill of the whole field, and apply it responsibly for the service of every locality. Without excluding local lights, and, indeed, carefully collecting them, they should send down men skilled in the organisation of educational means to produce the best results, to prepare schemes upon the widest experience, and report upon them for local as well as superior consideration and discussion. When an authority on correct principles is instituted, and has proved its competency by its reorganisation, then I consider that measure for which he contends may properly be instituted, and that bequests may, when the public is the legatee, be required to be unconditional, as Mr. Hobhouse proposes, and applied at the superior discretion of the authority. It is to be hoped that he and his colleagues may be allowed sufficient powers and means for the application of these principles, and may lead to the permanent institution of such an authority.

Mr. E. WEBSTER inquired if the municipal authority in Paris, to which Mr. Chadwick referred, recognised in any way the right of private endowment. For example, if a person by will left property to a particular charity, would it be so appropriated? He would also like to know what was the practice in the French provinces in this matter.

Mr. CHADWICK said his information only applied to Paris, and even to that extent he was not able to go into the detail Mr. Webster desired.

Mr. H. W. FREELAND said he could not follow Mr. Chadwick through all the points upon which he had touched, but if he had rightly understood him to recommend that the municipal authorities throughout the country should have the control of the charitable trusts, he must beg leave to dissent from such a proposition. Municipal bodies were, in many cases, centres of jobbery and corruption, and were elected in a manner that was anything but pure. He did not know how the plan worked in Paris, and should be very glad if further information could be obtained. Probably on this point Mr. Hobhouse would be better able to speak, and he should like to hear from him if he could tell the meeting what was the result at Bedford of the municipal body being mixed up with the administration of charitable trusts. He thought it most desirable that this subject should be fully discussed, for there could be no question that, whether they took Mr. Mill's view, that of Mr. Hobhouse, or what appeared the intermediate one of Lord Lyttelton, all must agree that it was very desirable that public opinion should be fixed and formed upon this important subject, to which nothing could contribute more than such admirable papers as those of Mr. Hobhouse. The extent to which the State should interfere with the right of testamentary distribution was unquestionably a most delicate problem. All agreed that there should be some controlling authority, and he, for one, was of opinion that such authority would be best entrusted to some such body as the Charity Commissioners, subject as they were, by the reports they made, to the control of public opinion and of Parliament. All agreed that abuses must be checked, and in his opinion some such controlling power would be the best means of bringing the eccentric and absurd dispositions of founders into harmony with the wants and spirit of the age. No one would desire to check the rational flow of public charitable benevolence. The habit of giving, kept alive and *restrained by* principles of sound practical wisdom, was one of the best antidotes to the poison of those selfish tendencies from which, in his opinion, society had as much to dread as from the misdirected efforts of unwise testators. The subject alluded to by the noble Chairman at the close of the previous sitting was one in which he had long taken an interest, for he had expressed the opinion some years ago, that it was undesirable that large quantities of land or houses should be locked up permanently in the hands of the trustees of charities. In a country like England, where land was scarce, it was exceeding desirable that it should be made as available as possible for all the reasonable requirements of a great commercial community. He was therefore much pleased to find Lord Stanley substantially endorsing that opinion, because, from the position occupied by that nobleman in the legislature, and from the extreme care with which it was known he examined all subjects which he touched, such a statement coming from him must have great weight. "All agreed," said Lord Stanley, "that, as a general rule, it was not desirable that landed estates should be perpetually tied up in the hands of public trustees, or for public purposes, and it was a matter, at least worth consideration, whether it would not be well in future to impose upon all founders beforehand some particular manner in which the endowment should be invested. If they continued to allow any individual to dispose in perpetuity of a sum of money as at present, it did not seem any unreasonable limitation to insist that the capital should only be invested in one way, namely, in the public funds. Of course, it would be a difficult thing to apply such a rule to charities or endowments already existing, but with regard to future endowments he saw no hardship in such a proposal." As far back as 1860, he (Mr. Freeland) had, in the House of Commons, called the attention of Mr. Lowe to this subject, and had stated that, according to the last returns, which did not, however, come down later than 1839, there were between 400,000 and 500,000 acres of land tied up in the hands of trustees of charities. If any later information on this head could be given by Mr. Hobhouse it would be valuable. In 1862, when sitting in a Committee on the Ecclesiastical Commission, he put to Mr. Dyott, a gentleman who had paid great attention to these matters, this question—"Does, in fact, the land locked under charities and under the church impede the progress of the town of Lichfield?" and the answer was, "Enormously; I use the word enormously as the only word which I can bring to bear upon it." This, at all events, showed that the mode in which moneys given for charitable purposes were invested, had an extensive and important practical bearing, and he was very glad to find Lord Stanley expressing himself so strongly on this part of the question.

Mr. J. G. FITCH rose to say, for the information of

Mr. Webster and Mr. Chadwick, that a very clear exposition of the present state of the law of France, and of several of the German states, on the subject of charitable bequests, would be found in Mr. Matthew Arnold's report to the Schools Inquiry Commission, on the "State of Middle-class Education in Foreign Countries." He there gave some very striking extracts from the Code Napoleon and the law of Prussia, in relation to the liberty permitted to testators. He had certainly gathered, from the very clear summary of the law of both countries there given that such a thing as nomination by a testator of a body of trustees, with power of perpetually appointing successors, was absolutely impossible.

The Rev. WILLIAM J. IRONS, D.D., commenced by saying that, while he admitted Mr. Hobhouse's principles almost entirely, he almost as entirely differed from his conclusions. Conclusions ought to be implied in premises, but in the present case he did not think they were so. Mr. Mill appeared to him to be much nearer the truth than Mr. Hobhouse, when he said that men were really agreed upon the plain fact that the State had a right to deal with the disposition of all property after the death of the present owner, and even had a right to regulate property to a certain extent during the lifetime of the owner. He was surprised to find that Mr. Hobhouse thought it a discovery of the present generation that wills, however fairly signed and witnessed in the lifetime of the testators, cannot always be maintained as in the darkest ages. He (Dr. Irons) did not believe that the opposite opinion existed amongst educated persons; indeed, they all knew that the power of disposing of property by a piece of writing must exist and continue only by the permission of the legislature of the country. There were times when there was no such power. The right to make such a will was unknown to ancient Greece and Rome. There was no such thing as making a written will in Rome before the Law of the Twelve Tables, nor in Greece before the time of Solon, nor was there any provision for the making of wills in the laws of the Jews. Even in England the power of making a will was but a common law right, and the earliest statute was passed about the time of the Reformation, the 28th Henry VIII. He thought it was a wrong thing to impute to anyone opinions which he did not hold, and then to argue against them. It was, in truth, only fighting a man of straw. No doubt there had been a degree of interest thrown into this somewhat dry subject, which at first sight was rather surprising, but the reason was, that in all men's minds at the present day the question of endowments raised certain collateral ideas. The little allusion to "pious founders" which had been made, at all events awakened the suspicion that something else was thought of besides an interference with endowments for doles and other purposes. The stress laid upon the word "pious," and the manner in which Mr. Chadwick had thought fit to introduce the idea that priests in former ages had had some sort of interest in not acting fairly and honestly by the people, but, on the contrary, in keeping up a defective state of education for some purpose of their own, tended to the same conclusion, and he did not think such a way of referring to a sacred subject was calculated to promote the purposes of the present conference. They ought in such a meeting to reason calmly, not sneer at their neighbours, and, for his own part, whenever he found anything like a sneer, or even a smile, was introduced into a syllogism, he thought the syllogism itself was probably faulty. With regard to the subject itself, he would come at once to what he supposed to be that which gave it so much interest, viz., the fact that they were now beginning to deal not only with charitable but also religious endowments throughout the country. As honest men let them look honestly at what they were doing, and the principle on which they were to proceed. For himself, he did not insist that the disposition of money to sacred uses was any more to be protected than the disposition of money to charitable uses. He was quite prepared, and he was quite certain that every capable ecclesiastic of his acquaintance was prepared, to make a much larger concession on that point than even Mr. Hobhouse himself, perhaps. He was prepared to say that the continuance of endowments for church purposes should depend politically on the same broad principles as any other endowments for any purpose whatever. They could not conceive that a man who lived 500 years ago, and gave a tenth of his property or land to certain religious objects, could in all things bind them. If the act was right originally, let men do the same now. If the payment of tithes was a sacred obligation then, let men act upon the same principle now. He supposed that no one would contend that tithe—which he was convinced was the real subject in all their minds—was an absolute law of nature, so that one-tenth of the whole soil of the globe ought to be set apart to purposes of religion. If, however, any one maintained the obligation to give a tenth of his own property to religious or charitable purposes, he could only say, let him act upon it by all means, and let him, as far as he could, persuade others to do the same. If he could persuade the whole nation, then, no doubt, it would for the time become the law; but it would not necessarily be the law for the next generation; the next generation might act upon it if they thought the same. But what would be the result? If one-tenth of the property were now given by the present owners to religious and charitable purposes, in the next generation a tenth of the remaining nine-tenths must be given, and in the next generation a tenth of the remainder, and so on, until, in the course of a few generations, very nearly the whole soil of the country would thus be given. It was evident, therefore, that this sort of sacredness of tithe could not be defended. Then it came to this, he maintained the sacredness of endowments whenever it was found that in their administration they were right and useful, not otherwise. And in his opinion they should make a distinction, not between personal property and corporate property, but, what he believed a much more correct and proper distinction, between endowments for abstract purposes and endowments for personal purposes. He wished to call particular attention to this, because he believed that hereafter the whole matter would be guided by that principle, as it was now being guided by it with regard to the Church in Ireland. By an endowment for an abstract object, he meant an endowment to carry out a general intention on the part of the donor, to execute, say, some charitable end not necessarily connected with persons. By a personal endowment he meant a totally different thing, which he would illustrate in this way. Suppose a trade-union having no fixed body, but constantly adding to and losing its members. Such a body could acquire property, as probably many such bodies had, and the law protected, or ought to protect, a trade union in the possession of that property. Certain members died, other members joined, but there was no change in the ownership of the property, which still remained in the hands of a living body of men, who although in a state of flux were still the same body. This was really an endowment; the more property they acquired, the greater was their endowment. Any club or institution of a similar kind which had the power of adding to and lessening its members, might acquire property which would become, in the course of a generation, an endowment to be protected by law. True, in some cases it might be interfered with by the members themselves, but in others there might be regulations made by the members prohibiting such dealings; in some cases there might be very stringent rules, which could not be altered except by the authority of the legislature. At all events, they would hold the property as a club, as property not held for any abstract purpose, but property which was as much the property of the living generation as that of any individual, and it would certainly be right for the law to maintain the existence of such an endowment so long

as the persons existed capable of using it, according to its general intention. Further, he would say that they ought not to be charged with improper motives when they maintained that ecclesiastical property was of this kind. It was not property left for an abstract purpose, or, as it was expressed the other day, property intended for the endowment of opinions. It was property *belonging* to individuals who were combined, not exactly as a corporation, but still in a manner that the law recognised. Ecclesiastical property in this country did not belong, perhaps, strictly speaking, to a corporation—every individual of it was a corporation, but the church at large was not a legal corporation, and he did not conceive how it could be. He held that the property, while it answered its purposes, and while it was administered by a living body, and inherited by a living generation, ought to be protected by law. If in any place, or under any circumstances, the property became entirely alienated from all useful purposes, and no longer answered its end, whether it were tithe or any other kind of endowment, he should not hesitate to say that it ought to be applied in some other way, and dealt with rigidly by law. But there ought to be and would be more care exercised in dealing with personal property of that kind, whether vested only in one person or in a *quasi* corporation, than with that merely abstract kind of endowment which he had first referred to. He would now shortly state how it was he differed from Mr. Hobhouse. He thought the paper laid down sound principles; that it was only right that the law should keep a tight hand over all these doings, and deal with every question on its own merits very carefully; but he differed from him in supposing that there ought not to be any real endowments, whether of opinions or of persons, when they continued from generation to generation. It was absolutely said in one part of the paper that Mr. Hobhouse doubted the wisdom of any endowments at all, and, as far as he understood him, he would thus have one generation cut clean off from the next, and that the living generation at any time should have the power of dealing *de novo* with all the property then in existence. There he differed entirely from Mr. Hobhouse; all civilisation would become disintegrated if they were to act upon such a principle.

Mr. HOBHOUSE remarked that what he objected to was simply unalterable endowments.

Dr. IRONS said no one doubted that, as far as he knew. He never met an educated man who maintained the proposition, that endowments should be absolutely unalterable.

Mr. HOBHOUSE said he met with such men every day of his life.

Dr. IRONS said he had never met with such men, nor had he found such a proposition in print. The simple origin of the right of making a will was quite sufficient to put an end to such an idea. When a man, died he had nothing more to do with this world; if the State gave him power to make a will, then he might make it; but the State might lay down what regulations it thought fit with regard to such wills. What he maintained was that there might, beyond that, be a perpetual succession of individuals who could exercise this power of which he had been speaking. That was the case even in Greece and Rome, where there were institutions similar to the burial clubs of the present day, and which, no doubt, formed the models upon which were partly formed the *agapæ* of the Primitive Christians. These clubs existed throughout the Roman empire, and were recognised by the law of the land; their property was protected, and was allowed to descend from one generation to another. Each club did not come to an end by the death of its members, but held on a continuous life; and he claimed the same reasonable conditions for ecclesiastical property. For this reason he disagreed with what appeared to him to be Mr. Hobhouse's conclusions; but if he had mistaken him, he should be glad to be set right. Such a course as he suggested would turn back the tide of civilisation, instead of urging it forwards, which latter, he believed, would be in accordance with Mr. Hobhouse's earnest aspirations. If they were to cut themselves off, and say they had nothing to do with the past, and nothing to do with posterity, they would only intensify the selfishness of the present generation, and threaten the progress of all civilisation. It should never be forgotten that they owed all they had to their forefathers, and were morally bound to transmit all the advantages they could to those who came after them. They were bound to examine what was best at any given time, and if they found things were going wrong, the law was bound to interfere. But he must again say that he deprecated in these discussions the tendency of some to sneer at the priesthood, who had certainly been the leaders of civilisation.

Mr. W. R. GROVE, Q.C., said, if the question before the meeting was as to what detailed measures were best in relation to existing charities, it could hardly be dealt with in a verbal discussion of that character; but if, on the other hand, the question was, how far endowments were beneficial to civilisation, or how *far they were the* reverse, it was his duty to express his opinion. He gathered from the last speaker that, in his view, the law might interfere with endowments when those endowments were injudiciously administered, but that was an admission which he did not consider of any great value, because the law must interfere if the endowments became absolutely pernicious; this was absolutely necessary to the carrying on of the social system. The question before them, as he understood it (not having heard the paper, but having heard Mr. Hobhouse's former paper on the same subject), was whether it was desirable that there should be unalterable endowments; in other words, endowments which, except under extraordinary and revolutionary circumstances, were allowed to perpetuate the intentions of particular individuals when those individuals were alive. These endowments might be divided into two, or perhaps three classes—mortuary or testamentary endowments, endowments by will, to take effect after the death of the testator; secondly, gifts during the lifetime of the testator, controlled by his wishes, gifts by deed; and, thirdly, there *was a class* of property which might be included under the term endowment, though he should not have so treated it—corporate property, gathered together under certain circumstances, and becoming in that way brought into perpetuity. The latter formed part of a very large question, with which he did not think they were now dealing, and he should therefore confine his observations to the former classes, viz., mortuary endowments and gifts by living men. With regard to the first, he was absolutely and entirely opposed to them. There had been a time when he thought as others had thought, and as many still thought, that there was a degree of sacredness attached to what was called the intention of the testator. He remembered very well that, at the time he left the University, he should have thought it almost a wicked thing to doubt that, unless some positive evil were prescribed by the testator, his intentions ought to be carried into effect. But the thought of many years, and the study of these things, had satisfied his mind that that was a fallacy. In the West-end of London, there were masses of houses inhabited by wealthy men—there might be hundreds, if not thousands—to whose opinion not one man in that room would attach the slightest weight whatever. He would take one as a type of the class, and call him say John Smith. If the opinion of John Smith, who had £10,000 a year, were stated, or his opinions expressed in that room, every one would say that he did *not care* a straw what Mr. John Smith's opinions were; he might be a very good man in his way, but he *had not* thought, and therefore his opinions or intentions were worth nothing at all, and would not be listened to or acted upon, they would have no influence whatever with mankind. But let Mr. John Smith leave his money for the purpose of some particular object which he had at heart, which might be sufficiently moral, or not im-

moral, so that it came within the statutable definition of a charity, and then, a century or two after Mr John Smith's death, his intentions would govern the world, and would be followed out in every respect. The man who was not worth listening to in his lifetime, who had but a moderate or no education—who had never shown by any struggles with mankind that he had any capabilities of thought or action—that very man, whose intentions during his lifetime were absolutely valueless, by the very fact of his decease might become exactly the contrary, and would have power to control the actions of mankind in perpetuity, because the law said that a man's wishes after his death, if connected with the distribution of property were sacred, and were not to be interfered with or departed from in any way. Many of these ideas grew up during monastic times, though he meant no reflection on anyone on that account. But was there any benefit in this? It was certain that the property of the country was not increased; if a man died intestate, or left his money to A, B, or C, the country would possess the same amount of property. Not a single acre of land, not a single pound of money, existed more than if it had not been left to charity. Moreover, how was this frequently done? Perhaps when a man found life ebbing away, when he had no relations, or had quarrelled with them, or conscientiously thinking that some particular set of opinions which he affected were of importance to the world, he tied up his money to that set of opinions, and so it remained for ever, although, very possibly, had the man himself lived a few years longer, he would have discarded them. Again, he generally made this disposition, not when his mind was in its best state, not when, by struggling with the world, he had his wits sharpened, but when enfeebled by illness, and influenced by those around him. Under these circumstances a thing was executed in a moment which would perhaps be repented of next day if he had not died, but it was binding for ever because he did die. Of course he was speaking here only of personal property; landed property was to a certain extent protected, but with a mere stroke of the pen, done in an instant, by a person at the point of death, personal property would be appropriated for centuries according to the mere—it might be passing—whim of the individual. There might be good mortuary bequests, but the question was, did more evil or more good result from them. On one subject, that of education, he thought they were peculiarly objectionable. Education was a matter which had changed, and must continue to change as long as the world lasted. The man born to-day did not start in the same position as the man born fifty years before; he had to start with the addition of all the knowledge that had been acquired during that fifty years, and which was unknown to his predecessor, yet if the opinion of that predecessor on education were to be acted upon, the man of to-day must not avail himself of the fifty years' improvements, but must go back fifty years, or a century or two centuries ago, and be bound in the trammels which had been prepared for him by the man who lived in that distant age. Could such a system as that be good? It was the same with regard to doles and charities of every description, with one possible exception, that of hospitals for the sick and infirm, which he excluded for this reason, that they required, generally speaking, a certain amount of living local assistance, and were mostly administered by gratuitous services, so that there was not so much opportunity, as in other cases, for the funds being abused, whilst they were applied in a great majority of cases to the relief of those who wanted it merely for temporary purposes. Even in the case of hospitals, however, he doubted whether they would not be better administered entirely by the subscriptions of living persons than by the aid of mortuary gifts. There would be the same ability to administer them, for there would be precisely the same amount of property existing, whether it was left to the charity or not, and there was no doubt that, in many cases, subscriptions were withheld from hospitals in consequence of mortuary gifts. For instance, a man whose father had left a large sum of money to an hospital would feel that he was exempt, and need not subscribe, his father having already done his part. He, therefore, with his interest and controlling influence, would be withdrawn from the charity. If this were the case with hospitals, *à fortiori* in other matters; there was much inevitable evil connected with these mortuary gifts. If persons subscribed to a society or any other institution they would watch its progress, and if they saw any abuse could interfere, or, if they were not disposed to take an active part, they could at least withdraw their subscriptions. But when there was this fund given by a dead hand, who was to interfere? It was immediately said—"You are a meddling person, what business is it of yours to come here and make a fuss; you did not give us the money, but the testator, a hundred years ago or more; what business have you to come and say it is squandered or misapplied?" Nobody had a right to withhold subscriptions from, and thus exercise a controlling influence over the affairs of such a charity. There were an immense number of other evils of a similar character, if there were time to go through them. Mr. Hobhouse had given some instances, but he might have given a much larger number of still stronger ones. It was admitted that there was no question of right in the matter at all; the whole question of wills altogether was a question of human policy. There was no abstract right in a man to prescribe how future generations should carry on the matter. It was only necessary to state such a question in order to answer it, and he did not hesitate to say, as regards these mortuary bequests, it would be better for the State if they did not exist at all. While saying that, however, he must guard himself from being supposed to say that existing endowments should all be swept away. They had been going on for many years, some of them doing good, and some doing harm, and some that were doing good did harm at the same time; they must take them as they were, and endeavour to do the best they could with them; but, for the future, it would be far better if there were no money left by will for charitable purposes. The second class of endowments, to which many of the same objections applied, but which had much more to recommend them, were gifts by living persons. In these cases the living person, at any rate, had to part with his property at a time when he was capable of enjoying it himself, and that alone was a tolerable check upon such gifts. There never would be in fact a large number of these charities. But, secondly, living persons would be likely to take an interest in the charity which they had founded, and to interfere if things went wrong, and thus there would be a powerful check which did not apply to the case of mortuary gifts. No doubt, however, many evils would remain, and in particular when the donor died all the evils that belonged necessarily to mortuary charities would come into full play. With regard to this class of charities, therefore, although he would not prohibit them altogether, still he would have them put under rigid supervision by the State, meaning by that term some authority chosen by the State, for of course no particular ministry for the time being could attend to the charities throughout the country. In his opinion, no charity should be supposed to be carried on perpetually for any special purpose, except subject to such changes as the controlling authority might see fit from time to time to introduce. He believed that such a course of action would not deprive the country of one efficient charity, but they would get rid of the abuses which were now known to take place in many of them. The subscribers would become much larger, because the charities of the day would be thrown upon the energies of the living people of the day, who would feel that they had a duty to perform, a large portion of their property not having been already taken away from them, and given by will to charities. Every thinking man would, he believed, feel it his duty to subscribe

to and help forward the deserving charities of the day, and they would thus be not only equally well supported, but much better looked after. Before sitting down he must refer briefly to a matter which was in every one's mind, and which was, no doubt, a very difficult and delicate point to deal with, viz., the large and ancient educational establishments, such as the Universities and public schools and their endowments. He was not for suddenly and violently interfering with these bodies, although he had already taken part in endeavouring to introduce some new branches of education into them. He might here mention a little of his own personal history, which would illustrate the effect upon the Universities of the gifts of past founders. In consequence of his father having a very intimate friend, a clergyman, who was a member of Brazenose, that was the college selected when he went to Oxford; but when he had been there a short time, he found that although there were a number of very good scholarships and fellowships attached to the college, there was not one which he could by any possibility hold. They were all tied up strictly, either to the founder's kin, or to persons born in a particular locality; and his parents not having happened to select one of these localities as their domicile, he was excluded from any participation in these benefits. But there was one other remarkable thing, and that was, that all the men in the college who distinguished themselves, as a general rule—he did not say there were no exceptions — were not scholars or exhibitioners. And the reason was obvious; the scholars and exhibitioners came up there, not to distinguish themselves, but because they were provided for; they had so much a-year as scholars, and were pretty sure of a living or a fellowship afterwards. Taking them as a general body, therefore, the scholars were the least scholarlike of the whole University; he himself had no chance of any preferment at the University, except in competition with the whole University, for the very few University scholarships which were open to that college.

Dr. IRONS asked if Mr. Grove meant to assert that the scholars were the worst men at the University.

Mr. GROVE said that was his recollection of his own college. Whilst he was there, no scholar took either a first or second class. He merely mentioned the facts which had occurred within his own knowledge. He gave no reason for these facts, but still he must say it was a probable result. He made no reflection at all upon the moral character of these gentlemen, or anything of that sort, but coming up already provided for, they had not the same motive for exertion as other men; they came up to receive so much a year, and attached to these scholarships there were generally livings or fellowships for those who could manage to pass even decently. He believed the experience of other colleges was much the same, and, indeed, the result seemed almost inevitable. If the rule of any school were that one-third of the pupils, provided they could just decently go through the ordinary studies, should have £100 a-year and £200 a-year when they left school, and that the other two-thirds should have nothing but what they could get by competing with the world at large, which would be the most likely to be energetic and persevering? There might be men who would struggle in spite of their indulgences, but as a general rule they would not be so likely to do so as those not so favoured. He had heard the same thing often asserted with regard to smaller establishments, asylums, and such like, except in cases where the foundation was so poor that it only afforded the pupil an opportunity of learning, and gave him nothing afterwards. In such cases it might, *pro tanto*, be beneficial, but anything which was given, to support persons utterly irrespective of merit—because he did not recognise it as any merit that a man was born in a particular county — must do harm, because it rewarded the non-meritorious as against the meritorious, and it deprived the person to whom the reward was important of a very great incentive to exertion. Still, he would repeat, he was not for slashing down the Universities, or introducing sudden and violent changes. His own views on the question of education had often been given; he thought it should partake of the history of past progress and present knowledge, and was not for cutting off all association with the higher-class minds of times gone by. Although he was a strong advocate for the introduction of physical science into education, he by no means wished it to monopolise attention; but one great reason why they could not get even so much as three hours a week for instruction in physical science was that all these endowments were connected with the past—with what was then a good education, the best that could be given; but even those who considered it of the greatest value would hardly contend that a knowledge of the dead languages was sufficient for all purposes of modern education, without an admixture at least of historical learning and physical science. These things, however, could not be taught, because of the dead weight which they had to contend against. In reference to Mr. Chadwick's remarks on the beneficial effect of endowments, he would say that the Royal Institution was principally supported by the subscriptions of its members, and it did not happen as a fact that any endowment which belonged to it had much to do with the making of Faraday.

Mr. G. W. HASTINGS said it was frequently assumed, indeed almost always, by persons who spoke on this subject, that the absurdities which had been so well exposed by Mr. Hobhouse and others, related only to the older endowments, but such was not the case. He had been much struck with the absurd conditions attached to an endowment in connection with the Society of Arts, which was certainly made within his own life-time, and with the administration of which, some few years ago, he had something to do. He referred to the Swiney bequest. Dr. Swiney left by his will a considerable sum, the interest of which was to be given away in a prize for an essay on jurisprudence, the judges being the members of the Society of Arts and their wives, and the members of the College of Physicians and their wives. He directed that when the prize was given away the whole body of adjudicators were to meet together in the hall of the Society of Arts, and determine by show of hands to whom it should be awarded, the competition being open to the whole of the civilised world. That will was still in force, and the bequest came to the Society in the way he had described; but, chiefly through the wisdom of the present Lord Chancellor, some kind of private arrangement was made, under which something like common sense was introduced into the matter; the plan adopted being that the prize was given alternately by the Society of Arts and by the College of Physicians, in the one case for a work on general jurisprudence, in the other for one on medical jurisprudence.

The CHAIRMAN, in reference to the remarks of Mr. Fitch, said that no doubt there was a great deal of useful information on the subject of testamentary dispositions in France in Mr. Matthew Arnold's report, and the French law governed a great part of Western Europe; but still it must always be borne in mind that the letter of the law was not always an exact guide to its actual administration. With regard to the provincial administration, generally speaking, charities in Western Europe were administered by the municipality of the town, or by the authorities of the commune, but they could do nothing without the consent of the Minister of the Interior, so that at every step the control of the State was operative. With regard to this subject, he thought the laws of Mohammedan countries were worth consideration, being, for the most part, derived from the Roman law, and they presented many instances both of use and abuse. A consideration of the subject on a broad basis would, he believed, relieve them from a difficulty which one remark of Mr. Grove's had introduced. He said that whether a testator left money in one way or another—whether by mortuary bequest or

otherwise—the property of the country was neither *diminished* nor increased. He almost regretted to have heard that, because it was a sentiment which, in one way or another, affected the community, as he believed, very perniciously in the result. It was perfectly true, of course, that not one blade of grass more was grown, or one pound added to the capital of the country, but it made a very great difference to the community whether the fund distributable for public as apart from private purposes was enlarged or not, and that was a portion of the subject which had received very little attention during the discussion, except from Mr. Chadwick. With reference to the question of endowed schools, he had pointed out that it would make a very material difference whether the portion of these funds available for education could be applied to the general purposes of education, or whether it was applied solely or mainly on some such basis as endowed schools. The administration of endowed schools might present many cases of abuse in the higher middle class, but when they came to the lower middle class it would make a great difference indeed whether or not there were funds available for the support of the schoolmaster. According to Mr. Chadwick, it was very desirable that these funds should be increased, but applied under the direction of the State. All experience shewed the great advantage that was derived from applying continuous criticism to these institutions, and it was because they had neglected to do so that they found the present defects and abuses. Dr. Irons had thought that Mr. Chadwick had sneered at sacred subjects and monastic institutions, but it certainly did not appear to him (the Chairman) that there was any such intention, although he differed from Mr. Chadwick as to the effects of what was done by the monks. It was, no doubt, the opinion of many, that the schools established by the monks were simply for ecclesiastical purposes, and had no reference to the objects of the day; but a little investigation as to what took place during the Middle Ages would show that there was a wholesome competition between the great schools; and he believed there was a passage in Fitz Stephen—at any rate there were many such in mediæval histories—which showed there was great competition between the great schools, and that it was the object of the monks and the schoolmasters to introduce not merely various branches of literature, but the various practical subjects which were demanded by the mercantile classes, according to the wants of the day. The subject of the Swiney bequest had been very well explained by Mr. Hastings, and he might add that it was still under the consideration of the Council, who were not without hopes that some means might be found for making that bequest available to its proper object, instead of being applied, as at present very often, to a subject which, under the name of medical jurisprudence, had hardly anything to do with jurisprudence at all. He would conclude by what was really almost a matter of form on his part, since it had had already been mentioned by almost every speaker, viz., moving a vote of thanks to Mr. Hobhouse for the very able manner in which he had discharged his self-imposed task.

The vote of thanks having been carried unanimously,

Mr. HOBHOUSE, in reply to the observations which had been made, said, though it was convenient to sum up the discussion, it was hardly necessary, inasmuch as any remarks which had been made adverse to his positions, had been thoroughly answered by others. In the first place he might be excused for saying a word or two on a personal matter, which he should not have done but for the remarks of Lord Lyttelton at the previous meeting. Lord Lyttelton made several observations with regard to the official position which he (Mr. Hobhouse) now held, and to that which he and that nobleman were about to hold in common, and seemed to infer that there was some delicacy in a person holding an official position, or about to hold one, discussing, in an abstract way, topics on which he had to administer the law. He, on the other hand, always considered that when he embarked on any abstract discussion, he left his official position behind him, and that it was open to any one, whatever his calling might be, to enter upon any discussion on any part of the law of the land, if only he was sufficiently interested in it, and knew enough about it. Such a person, he thought, was bound to qualify himself for the discussion, but he did not think that having to administer the law in any capacity ought to put any restriction upon him. He had often heard judges on the bench, while administering the law, express their disapproval of it, and state that they had endeavoured to get it altered. But, while it remained as it was, they were strictly guided by it. It was the same with him in his humbler position; he endeavoured to administer the law of the land, as he understood it, to the best of his ability. It would be exactly the same under the Endowed Schools Act, if it became law. As he read that Act, there were certain limits laid down as distinctly and definitely as at present, though more widely, and a Court of Appeal would be always sitting above them to set them right if they went wrong. He had no doubt, when the Commission got to work, they would, to the best of their ability, apply the principles of that Act, and not indulge any individual crotchets of their own. With respect to the expression that "the pious founder would go to the wall," he had intimated on former occasions, as well as in the present paper, his excessive dislike to any sudden or violent changes, and his thorough conviction that they could not force people into them, but must use argument and persuasion, and endeavour to get the bulk of rational people on their side, before they could hope to introduce any effective reform. He said that in the most emphatic language he could use in his first address, and had repeated it in the paper which had just been under discussion, so that whatever argument, persuasion, and reasoning could do towards putting the law on a sound footing he, in his individual capacity, would do. Doubtless Lord Lyttelton meant the same thing. But, as for the notion of overpowering by any central authority that which was the prevailing opinion of those who had the local administration of all these various funds throughout the country, that was quite contrary to the whole spirit of English legislation. Lord Lyttelton also said that he considered the same limitations of power should apply, whether a person gave property to private or to public uses, and seemed to think that the law of settlement to private uses was not to be interfered with. He had been contending for precisely the same thing, only he declined to look upon the law of disposition to private uses as a sacred thing, not to be examined or criticised. It was a mere piece of hap-hazard legislation, not of the legislature, but of the judges, such as had happened again and again in England. If that was pressed upon him as a reason why they should give a definite term of years to everybody to play his fantastic tricks upon the public, according to any caprice that might take him upon his death-bed, then they must examine into the law of gifts to private uses, and see on what reason it rested. He contended for the same principle in both cases, as a piece of abstract reasoning, viz., that the persons to take property should always be living persons —that there never should be one moment of time at which it should be possible to say that the existing generation of men on the face of the earth could not deal with the whole of the property on the face of the earth. It did not often happen that one had the chance of replying to the Chairman, but Lord Stanley, having generously come forward to speak, had given him this opportunity, and he was only sorry that that nobleman was not present to hear him, because he was quite certain that his candid mind would at once admit that there were considerations which had not occurred to him before, which were well deserving of consideration. In the first place, Lord Stanley dwelt very much on the *cy-près* doctrine, and contended that all that was wanted was some better machinery for using the

power which he said theoretically existed. He admitted that there were some abuses, but he thought all that was required was to bring the existing power to bear upon these abuses. Now his (Mr. Hobhouse's) doctrine was this, and it could not be repeated too often, that abuses were not the thing they had to complain of. The abuses were comparative trifles. In the legal sense of the term, an abuse was a departure from the founders' directions, which would be rectified by the Court of Chancery, and very often such a thing was the salvation of a charity instead of its ruin. The mischiefs, which all acknowledged did exist, resulted from the system of the law, and there was no power of remedying them, not even in theory. When Lord Stanley and Sir Charles Trevelyan talked of the *cy-près* doctrine, he must be allowed to remind them that they were not lawyers, and it was no discredit to them to suppose that they had not mastered the *cy-près* doctrine of which they spoke. They evidently were under the impression that there existed somewhere a power of remodelling foundations whenever they were found to be inconvenient or mischievous, but in truth there was no such power whatever. The *cy-près* doctrine was simply this, that where the objects of a charity had ceased to exist, the Court of Chancery would not allow the funds to be wasted, or to be put by the trustees into their own pockets, but would apply them to some use as nearly as possible the same as that designed by the founder; that was all. Lord Stanley, in commenting on the several instances mentioned in the paper, said that all that was required was to apply the *cy-près* doctrine, for instance, in Jarvis's case. But the very mischiefs arising in that case took place under a decree of the Court of Chancery. Lord Eldon had this matter pressed upon him by Sir Samuel Romilly, and what he said was this—"I have nothing to do with arguments of policy. If the legislature thinks proper to give the power of leaving property to charitable purposes recognised by law, as such, however prejudicial, the Court must administer it. If it is right to put bequests of property to charity under fetters, that is for the legislature, and courts of justice must act without regard to the impolicy of the law." So much for the *cy-près* doctrine in that case. It was just the same in Abbott's case; there it happened that the first complaint arose in the time of the Commonwealth. If it had come in later times before Lord Eldon, no doubt he would have said he could not interfere, but the commissioners appointed in the time of the Commonwealth dealt rather more boldly with these matters, but, through their adherence to the *cy-près* doctrine, they made a scheme which was just as bad as the original one. That lasted for a hundred years, and then, on application to the Court of Chancery, another scheme was framed on the same principle, which, after seventy years' trial, was found to be as bad as the preceding. They then went to the court again, and a fresh decree had just been made which would apply the funds to new uses, the result of which remained to be seen. But, even in this case, the court would hardly have acted as it had, but for the ground having been so much cleared by the action of the Commissioners in 1656. The original objects having ceased to exist for more than 200 years, the property was now made over to a school. Take again the case of the Leeds school, which was an old foundation for teaching Latin and Greek. Leeds having become a great manufacturing place, it was found that no one wanted to learn Greek and Latin, and the school was empty; but on application being made to Lord Eldon for leave to establish an English system of education, he said, No, he must be bound by the wishes of the founder. It might be good for Leeds to have an English school, but he had nothing to do with that; it could not be good for the charity, because the law of the charity was what the founder had said. In passing from this subject, he felt sure that if Lord Stanley would turn his attention to what the *cy-près* doctrine really was, and how it had been applied, he would at once be convinced that something more was necessary, namely, that there should be an authority constantly at work to adjust these foundations to the wants of the age. Another remark made by the same noble lord was, that the instances he had cited were extreme cases, and that it so happened that persons who had to administer to these institutions saw the bad cases, but did not see the good ones. That remark he had himself made use of to judges on the bench, that they saw the pathology of the subject they were dealing with, but not the physiology. In the case of the Charity Commissioners, however, it was different. They did not sit merely to hear complaints and settle disputes, but they received accounts of all the charities, and saw the working of them, more or less; he, therefore, saw the physiology as well as the pathology of the case. But, even if it were otherwise, he might take leave to add that his experience did not date merely from the time of his entering the Charity Commission, but from a much earlier period, since which he had turned his attention particularly to the working of the various charitable institutions throughout the country. He therefore said now as he had said before, that the instances selected were not extreme, but were typical cases in the strictest sense of the term. They were doubtless selected either from the magnitude of the funds involved, from some picturesque or striking incident connected with them, from being pretty widely known, or for some similar reason. But there was not one which did not fairly represent a large class of similar cases. And to those who made this objection he would say, bring forward your cases on the other side. Indeed, it so happened that one of his examples, that of Abbott's Charity at Guildford, had been selected by Sir Francis Palgrave, and put forward as an admirable specimen of a foundation, and as a reason why founders should have even greater power given them than at present. Jarvis's foundation might be exceptional in the amount of the funds, but certainly not in the motives of the testator. Every attorney in London could tell of one or more instances in his own office, of persons leaving property to charities from spite, and every town and nearly every large village in the country could supply instances of demoralisation produced by money given in doles. He had before challenged any one to produce an instance of a foundation on a large scale working well, but it had not been answered, unless his friend Mr. Chadwick's observations with relation to professional chairs were an answer. In his first lecture he had used this language:—"Of the greater foundations, will anybody confidently assert that they produce more good than evil? I will not dwell on the great almshouses, such as St. Cross, which has been a stone of offence perhaps from its founder's days, certainly from those of William of Wykeham, until now. Take the foundations for objects we should all approve—for learning, and for the tending of the sick. Has the state of the great endowed hospitals of London been always satisfactory? Has, for instance, that of Bethlehem? We all know the contrary. Turgot cites the hospitals of the sick as among the most striking instances of the deadness of foundations. Will any contemporary of mine at Eton assert that the then state of of the college was useful or edifying? Will any contemporary of mine at Oxford say that the foundations of Merton, or Waynflete, or Chichele, were then playing their part in the world? There may be times of awakened conscience and active exertion, but the question is whether rich foundations derived from private origin do not invariably gravitate towards sloth and indolence. It is difficult to point to one instance of a private endowment for learning achieving great results by itself alone. Where such results have been achieved, whether on a small scale or on a great, whether in a rural school or in Eton or Trinity Colleges, it has been by superadding a voluntary or unendowed department, rising and falling with public estimation, and lying open to all the influences which excite hope or fear, which animate the zealous or rouse the apathetic." Mr. Lowe, in his late pamphlet, threw out the same challenge, and

Mr. Grove's college experience was an apt illustration of the same thing. Dr. Irons seemed to think such a result was exceptional, but he (Mr. Hobhouse) believed it was a sample of the other close colleges when he was at Oxford. Where the endowments were open to a large number of competitors they did good, but where they were operated on entirely by the dead hand, as in Mr. Grove's case, there they produced only evil. Take the case of Balliol College, which had, not without grave suspicion of illegality, had the courage to throw open its fellowships and scholarships; the result was that, although a very poor endowment, a Balliol scholarship became one of the greatest prizes in the University, and it had amongst its scholars men who not only distinguished themselves then, but had since played no inconsiderable part in the world. Dr. Irons had objected that he (Mr. Hobhouse) had been combating opinions which were obsolete. In reply to that, he would say that it was an almost invariable rule that, when anyone attacked an untenable position, they were met by two classes of opponents; one, those who held the position and who told him he was a revolutionary, a burglar, and so on; and the other class consisted of persons like his friend Dr. Irons, men with strong heads and well-disciplined minds, who said that he was merely telling them what they had known all their lives, that he was beating the air, and knocking down a house of cards which he himself had set up. They entirely agreed with him in principle, only somehow or other, when they came to apply the principle, they entirely disagreed. Of course, he who led the attack against an untenable position must deal with both classes of opponents. Dr. Irons said he never met anyone who disagreed with the principles now advocated, but he (Mr. Hobhouse) did every day of his life, and when they came to deal with these mischievous endowments, the disagreement assumed a very formidable shape, and almost always resulted in the defeat of those who desired to introduce any improvement. He was very glad to hear from Lord Stanley and Dr. Irons, and to read in Mr. Mill's essay, that public opinion was as they said it was, not because he thought so, but because it showed that these bold thinkers were so far upon his side. But Dr. Irons went on to say that, agreeing with him almost entirely on general principles, he disagreed with him almost as entirely in his conclusions. He had listened very carefully, but could not make out in what Dr. Irons did disagree with him, seeing that he admitted the absurdity of allowing the dead to have anything whatever to do with the regulation of property when their wishes conflicted with the welfare of the living. He (Mr. Hobhouse) contended for no more than that.

Dr. IRONS said he was under the impression that Mr. Hobhouse objected to endowments altogether, and the ground on which he disagreed with him was that such a principle would cut off the present generation entirely from all duty to posterity, and so tend to destroy civilisation.

Mr. HOBHOUSE said it was an open question whether charitable endowments were desirable, but so far from his saying there should be no endowments, he had given several reasons why he differed from Mr. Lowe on that point, and stated that in some cases it might be very useful to have certain endowments, operated on by State authority from time to time as necessity arose. It might be very useful to have a public fund always available for objects for which it might be difficult to raise taxes. All he contended for was, that there should be no unalterable endowments, that they should not be considered a sacred thing, never to be touched. He could not see anything in his way of putting it which could lead anyone to the conclusion that persons were to live entirely for the present, having no reverence for the past, and no regard for futurity.

Dr. IRONS said he thought the paper went a little farther than that, and although it tolerated the principle of endowments on a limited scale, it only seemed a temporary concession to human infirmity, which might at some future time be abolished. It also led to the conclusion that endowments might properly be dealt with much more roughly than he for one should think. Mr. Hobhouse had also omitted to notice the distinction he had drawn between personal endowments and endowments of an abstraction.

Mr. HOBHOUSE said he should be much obliged to any one who corrected him if he in any way misrepresented his own paper, but he was quite confident that he had never laid down the proposition that there should be no endowments at all, and if he had said any thing at all like it he should be much surprised, having certainly said the exact contrary, and that in considerable detail. He could not follow Dr. Irons into his classification of endowments, but he would say this, that those who dealt according to the best of their judgment with property of any kind, private or public, for the greatest benefit of the human race, showed the greatest reverence for everything in this world or in the next, in the past, present, or future. He could not see how his present argument trenched on that question at all, and he thought it was over-sensitiveness on Dr. Irons's part to suppose that there was any irreverence for the past, or any want of care for the future, in those that contended that the property should be used according to the best judgment of the living for the time being. Some might call it irreverence to arraign the motives or the wisdom of dead men, but he did not. The worshipper of idols might call it irreverence in any one who told him it was only a stock or a stone, but he contended they were bound to examine carefully what the past had done and taught, and that gratitude to those who had done good work in the times gone by was best shown by adjusting their machinery to the needs of the present, by the aid of their experience, *plus* that of succeeding generations. Living men alone could have a knowledge of the present wants of society, and therefore it was not only a right, but a duty cast upon them, to administer charitable bequests according to their best wisdom for the time being; and in the same way our posterity would best show reverence for us by doing the same thing in their turn. He was sorry that Dr. Irons should have thought that there was any side-long glance at tithes, or any desire to cast contempt on the clerical body intended; he could assure him that nothing of the sort was in his own mind, nor had he heard any remark in the course of the discussion which gave him such an idea. He was quite confident that there was no talk of dealing differently with tithes from any other class of property, and there certainly was no desire to reflect in any way upon the clerical profession. So long as members of that profession would take the same pains as Dr. Irons did to inform themselves on all the questions of the day, and would speak with the same freedom from prejudice and the same amount of learning, no one would wish to attack them, or would dare if they did wish. In conclusion, he might say he took it to be the duty of every man who had a clear idea in his own mind that there was a department of human affairs which was not in a healthy state, and who believed that he could point out the cause of the mischief and suggest a remedy, to come forward and speak what was in his mind. This he had done. He believed the present system of charitable endowments worked ill for such and such reasons, and he had suggested such and such remedies. If any one thought it worked well let him step forward and say so. If anyone thought he had mistaken the causes of the mischief let him say so; or if anyone could suggest a better remedy, by all means let him come forward and propound it. He only hoped that the members of the two societies whom he had the honour of addressing would not turn a deaf ear to the matter, but that some younger man, with more leisure and ability, would turn his attention to the subject, and do that which it was necessary to do in all such cases, persevere until he had forced the attention of the public to that which it required some labour to under-

stand, and some courage to attack, on account of the personal interest and feeling concerned.

DISTRICT SCHOOLS FOR PAUPER CHILDREN.

By GEORGE C. T. BARTLEY, Esq.

IV.—SOUTH-EAST SHROPSHIRE SCHOOL DISTRICT.

This is a smaller school than either of the three which have been considered in the previous numbers of the *Journal*. It provides for the unions of Bridgnorth, Cleobury Mortimer, Madeley, and Seisdon; and, in addition, receives children from the two foreign unions of Newport and Shiffnal. During the year ending Michaelmas, 1868, it provided for an average of 173 children. The half-yearly sheet of accounts is drawn out with great care, and gives a great deal of information which that of the larger schools does not touch upon. The various details are as follows:—

I.—COST OF OFFICERS AND SERVANTS.

Description of officer.	Salary.	Estimated cost of rations.	Total.	Cost per head for each child at the school.
	£ s. d.	£ s. d.	£ s. d.	£
1.—*General Staff.*				
Superintendent	40 0 0			
Chaplain	25 0 0			
Clerk	35 0 0			
Matron	35 0 0			
Servants' wages	36 0 0			
	171 0 0			
2.—*Nurses.*	...			
3.—*Medical.*				
Medical officer	35 0 0			
4.—*Teachers.*				
Schoolmaster	60 0 0			
Assistant	35 0 0			
Schoolmistress	32 0 0			
	127 0 0			
5.—*Industrial and other Teachers.*				
Female trainer	15 0 0			
" "	15 0 0			
Male trainer	7 0 0			
" "	9 0 0			
	46 0 0			
Total	379 0 0	*170 0 0	549 0 0	3·173

II.—THE COST OF MAINTENANCE.

The details of this item in the institution before us, as given in the report, are very full and interesting. The contract prices are given for each half-year, and are valuable in comparing the relative cost of articles in this with other neighbourhoods. The total cost of the children's provisions, including firing and necessaries, comes to £1,199 9s., or at the rate of £6·93 per head per annum.

III.—THE COST OF CLOTHING.

This amounts to an average of 7½d. per head per child. In the list of contract prices, it appears that the girls' boots cost from 2s. 4d. to 4s. 9d. per pair, and those for the boys, 3s. to 6s. 6d. The total amount expended is £243 12s., or at the rate of £1·41 per head per annum.

IV.—MISCELLANEOUS EXPENSES.

These charges amount, as nearly as possible, to £250, or at the rate of £1·44 per head per annum. Among the items it appears that the hair-cutting of the establishment amounts to four-pence per head per annum.

V.—FARM EXPENSES.

This item appears to vanish altogether in the account; in fact, a profit of £70 was made during the year ending Michaelmas, 1868. The produce is used in the schools, and paid for into the farm account as to an ordinary tradesman.

VI.—RENT AND RE-PAYMENT OF COST OF BUILDING.

The amount expended on altering the building for the purposes of the school was only about £700, and, hence, this item is but small, amounting to £171 2s., or at the rate of £·99 per head. This charge will shortly disappear altogether.

The general summary of this school, which, although small in comparison with the three already considered, is still of fair proportions, shows it to be below them all in cost:—

1. Staff	£3·17
2. Maintenance	6·93
3. Clothing	1·41
4. Miscellaneous	1·44
5. Farm	Nil
6. Rent, &c.	·99
Total	£13·94

Somewhat under £14 per head per annum.

* The accounts do not state precisely which officers receive rations, but the whole amount expended on this item is given at £170, which is, therefore, entered in the total in one sum.

Colonies.

THE LABOUR MARKET IN SYDNEY.—A Sydney paper says that the labour market continues well supplied with manual labour. The rates of wages now current are, with board, lodging or hut room, and rations, per annum, carpenters and blacksmiths, £50 to £70; rough carpenters, £35 to £40; grooms, coachmen, and gardeners, £35 to £50; farm and garden labourers, £26 to £30; surveyor's men and bushmen, £30 to £35; ploughmen and stockmen, £30 to £35; boys for farms and stations, £16 to £20.

QUEENSLAND WHEAT.—It has been found, when a comparison is made between all the Australian colonies, that Queensland has reason to be satisfied with her position as a wheat producer. The average yield is over 15 bushels to the acre, which places Queensland second, Victoria holding the first place for yield per acre. The quality also is very fair, and the weight, often over 60 lbs. to the bushel, not to be slighted, when the poor tilth given and total absence of manure are taken into consideration.

THE LEGAL PROFESSION IN SYDNEY. — The Law Institute continues to work well, although quietly. Nothing further has been done to realise the idea of incorporating this body, which was strongly entertained some time since. Two other movements which have been started, one for the incorporation of the bar, and the other for the amalgamation of both branches of the legal profession, appear also to have died out, at least for the present. The ranks of both branches of the profession have been largely recruited during the past year. But for the increased and increasing demand for the country districts, it would be absolutely impossible for so many new practitioners as are from time to time admitted to hope for anything like remunerative practice. As it is, the competition must be very great. "For European practitioners," says the *Sydney Empire*, "there is, as a general rule, little hope of professional success in this colony, and we would not advise them to seek our shores with any such hope. The young Australians who are called to the bar, or placed on the roll of attorneys, and whose educational and professional training is of a very high standard, are quite numerous enough to meet the demand, and they will generally have an influence in obtaining practice with which the professional man of Europe cannot hope to compete."

Publications Issued.

A PROGRESSIVE DRAWING BOOK FOR BEGINNERS. By Philip H. Delamotte *(Macmillan)*. — This work, the author states, is intended to give such instruction to beginners, and to place before them examples so easy, that they may find no obstacle in making the first step. The work is largely illustrated with wood-cuts, engraved by a process which, by means of varying depth of tone, gives the distinguishing characteristics of pencil drawing.

PARLIAMENTARY REPORTS.

SESSIONAL PRINTED PAPERS.

Par. Numb.

Delivered on 6th July, 1869.

172. Bill—Criminal Lunatics.
180. ,, Insolvent Debtors and Bankruptcy Repeal (amended).
188. ,, Land Tax Law Amendment, &c.
191. ,, Turnpike Acts Continuance.
264. Liverpool Local Marine Board—Correspondence.
291. Railway Accidents—Return.

Forced Loans and Compulsory Military Service—Declaration for the Exemption of British Subjects in Denmark, &c.

Delivered on 7th July, 1869.

195. Bill—High Constables' Office Abolition, &c. (as amended in Committee, and on Re-commitment.)

SESSION 1868.

344. (c.) Poor Rates and Pauperism—Return (C).

Delivered on 8th July, 1869.

196. Bill—Public Offices Concentration (amended).
198. ,, Annuity Tax (Edinburgh) (amended).
216. (I.) Fisheries (Ireland)—Further Return.

Sandwich Islands—Declaration.
China (No. 11, 1869)—Abstract.

Delivered on 9th July, 1869.

194. Bill—Petroleum (amended).
302. Fisheries—Return.

Courts Martial and Military Punishments—Second Report of the Commissioners.

Delivered on 10th July, 1869.

200. Bill—Jamaica Loans.
304. Inclosure Act - Report from the Select Committee.

Public Petitions—Twenty-eighth Report.

Delivered on 12th July, 1869.

183. Bill—Titles to Land Consolidation (Scotland) Act, 1868, Amendment (as amended).
199. ,, Savings Banks and Post-office Savings Banks.
201. ,, Heritable Rights
205. ,, Sunday and Ragged Schools (amended in Committee, and on Consideration, as amended).
296. Public Offices Concentration Bill - Report.
297. Dagenham (Thames) Dock Company—Correspondence.
300. Army Prize Money—Account.

Patents.

From Commissioners of Patents' Journal, July 9.

GRANTS OF PROVISIONAL PROTECTION.

Animal and vegetable substances, preserving—1976—J. Robinson.
Bands for ladies' wear—1982—T. Atwater.
Beetroot, extracting the juices of—1915—W. Spence.
Benches, desks, &c., supports for—1961—W. Blackburn.
Boilers—1874—H. and F. C Cockey.
Carding engines—1935—J. Heys, J. Duckworth, and G. Barnes.
Carpet looms, bobbin frames for—1937—J. Lamb.
Cartridges, filling—1984—J D. Dougall and W. Bartram.
Cartridges, filling and closing—1963 -W. Bartram.
Catamenial sacks or uterine supports—1938—A. B. Childs.
Cinder sifters—1680—J. King.
Colouring matters, preparing—1936—H. Caro, C. Graebe, and C. Liebermann.
Cotton, self-acting mules for spinning—1951—W. P. Wilding.
Counterpanes, &c., weaving—1906—T. and R. Nuttall.
Cutting and slicing machinery—1974—W. H. Bailey.
Electric telegraph apparatus—1920—A. M. Clark.
Embroidering machines—1940 - W. Madders.
Fencing, &c.—1924—W. W. Neame.
Fire-arms—1945—F. Wohlgemuth.
Fire engines, &c., water directors for—1958—G. C. Haswell.
Floor cloths, tarpaulins, &c.—1955—G. T. Smith and C. Challenger.
Flour discharged from millstones, arresting and depositing—1943—J. Lomax.
Gas—1931—A. H. Still and D. Lane.
Hats or bonnets, machinery for felting or planking the bodies of—1861—J. Kirk, S. Shelmerdine, and C. Froggatt.
Hats, ventilating—1952—C. D. Abel.
Horse rakes—1956—J. Howard.
Iron—1968—R. Brown.
Iron ores, preparing for smelting—1939—C. Cochrane.
Jewellery boxes, &c.—1934—W. F. Williams.
Lard, tallow, &c, refining—1957 -W. R. Lake.
Locomotive engines—1960—W. Cowan.
Matches, fusees, &c.—775—J. B. Palmer.
Millstones, preventing the deleterious effects of "back lash" in driving—1944—J. Lomax.
Motive-power engines—1986—A. Barclay.
Musical boxes—1941—F. C. Lecoultre.
Nails, &c., manufacturing—1988—A. V. Newton.
Paddings—1928—J. Brooke and J. Hirst.
Rag machines, &c., removing the dust from—1926—S. Joy.
Railway breaks—1978—W. E. Gedge.
Railway chairs, key fastenings for—1933—W. Palliser.
Railways, permanent way and rolling stock of—1946—A. Clark.
Reflectors for artificial light—1925—R. N. Williams.
Shirt collars—1950—A. Bowring.
Smoke burners—1949—G. Fielding.
Slates, &c., damping and cleaning—1966—B. Templar.
Sodium and potassium, producing—1990 - H. Larkin and W. White.
Sugar, manufacturing 1962 - E. T. Hughes.
Velocipedes—1932—W. Bracelin.
Weighing scales—1953—M. Kennedy.
Woven and felted fabrics, combined—1954—J. W. Burton and R. W. Morrell.
Woven fabrics, finishing—1942—J. Donald.

INVENTIONS WITH COMPLETE SPECIFICATIONS FILED.

Extract of meat, incorporating with sweetmeats, &c.—1970—W. E. Gedge.
Fibrous materials, weighting motions used in machinery for preparing, &c.—1995—E. Scott.
Water, &c., regulating the flow of—1996—S. Smithson, G. Senior, and J. Inman.
Water meters—2024—W. R. Lake.

PATENTS SEALED.

88. A. Henry.
95. G. V. Osborne and A. J. Peerless.
99. P. M. Barnett.
100. J. Steel.
103. L. Hannart.
107. G. D. Kittoe & P. Brotherhood.
109. R. Watson & B. Dangerfield.
116. J. H. Kitson and J. Kirby.
117. T. Cook and J. Watson.
122. J. Steel.
131. T. Howcroft & A. McGregor.
166. W. T. Eley.
174. N. D. Spartali.
194. A. M. Clark.
202. B. Craig.
208. T. Cook and J. Watson.
223. W. M. Welling.
249. T. Reeder.
257. R. Girdwood.
264. R. M. Marchant.
336. J. R. Johnson.
435. W. J. Horton.
547. J. and T. Leach and J. Goodyear.
651. W. E. Newton.
658. T. Howcroft & A. McGregor.
938. G. Bloem and E. Scheidt.
1040. A. V. Newton.

From Commissioners of Patents' Journal, July 13.

PATENTS SEALED.

113. H. Vavasseur and C. M. Wade.
126. D. P. Wright.
130. P. Spence.
132. E. Craddock.
140. J. G. Johnson.
142. H. A. Silver.
144. J. Loader and W. H. Child.
151. M. Henry.
160. J. W. Price.
182. E. Burton.
239. J. Wilson, J. Wilson, jun., and G. Cryer.
245. H. Law.
274. J. Easterbrook, J. H. Allcard, and A. M. Wild.
282. G. Hawksley.
305. C. D. Abel.
318. W. I. Palmer and W. P. Goulding.
384. J. H. Johnson.
387. W. R. Lake.
419. P. Taysen.
444. F. C. Hills.
519. H. T. and T. Jennings.
566. H. Bessemer.
587. E. D. Barker.
652. R. Wright.
662. T. Forster and R. Taylor.
684. R. R. Bevis.
727. G. Spencer and J. Barker.
799. O. Whittaker and H. and I. Wallwork.
809. B. Latham.
964. F. W. Follows and J. Bate.
1341. T. Greenwood.
1348. G. Ritchie.
1429. J. Withers.
1459. J. H. Johnson.
1488. G. T. Bousfield.
1512. W. R. Lake.
1668. G. Johnston.
1586. G. T. Bousfield.
1625. R. P. Williams.

PATENTS ON WHICH THE STAMP DUTY OF £50 HAS BEEN PAID.

1782. H. G. Fairburn.
1789. J. A. Salmon.
1796. A. Clark.
1813. G. W. Hawksley, M. Wild, and J. Astbury.
1820. C. E. Austin.
1809. J. S. Cuthbert.
1814. W. Walker.
1816. G. Haseltine.
2184. E. Green.
1845. P. Ellis.

PATENTS ON WHICH THE STAMP DUTY OF £100 HAS BEEN PAID.

2007. T. Hill.
1975. J. Rhodes.
2077. T. Meriton.